

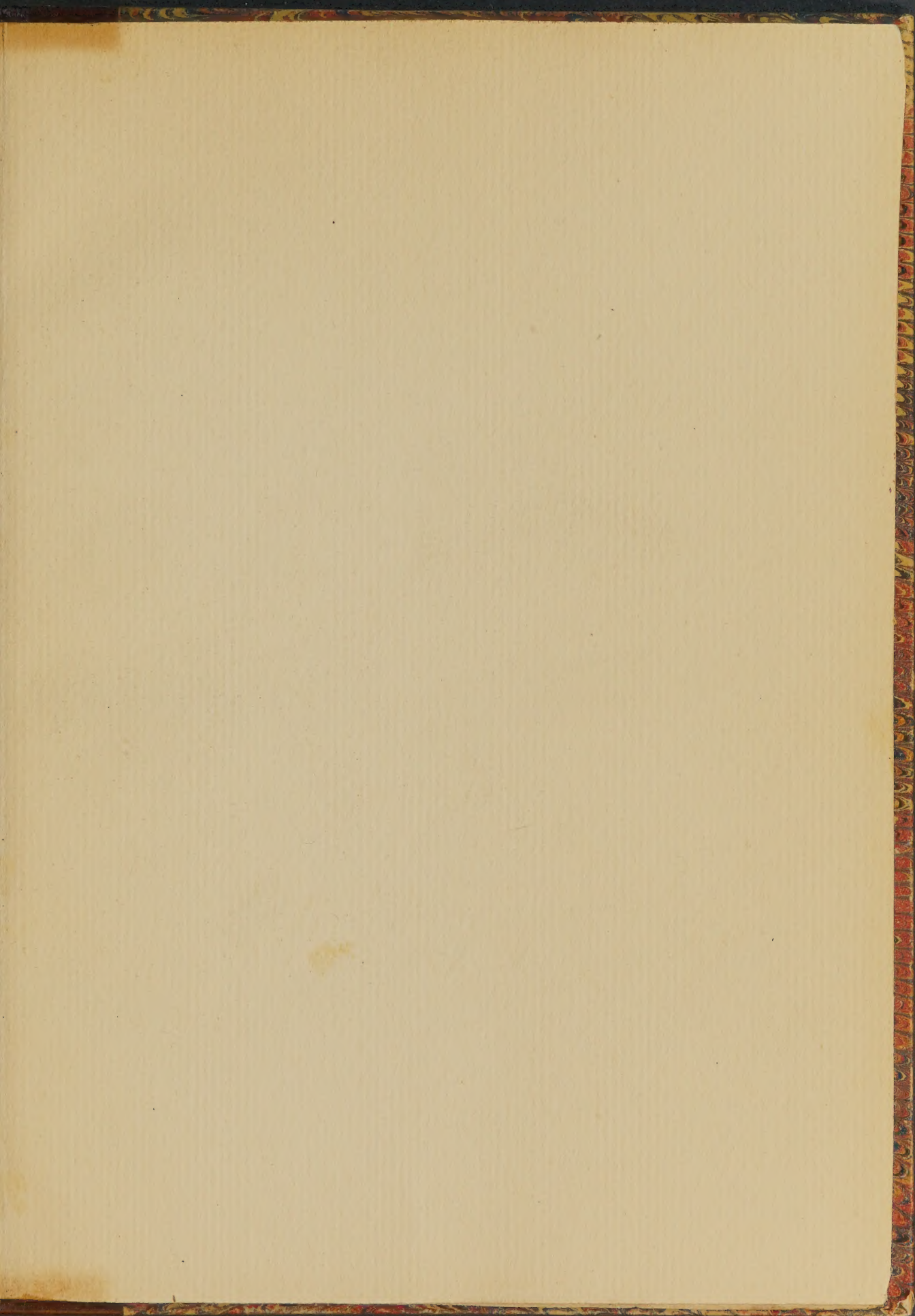
LILBURNÉ - REGALL TYRANNIE - LONDON 1647

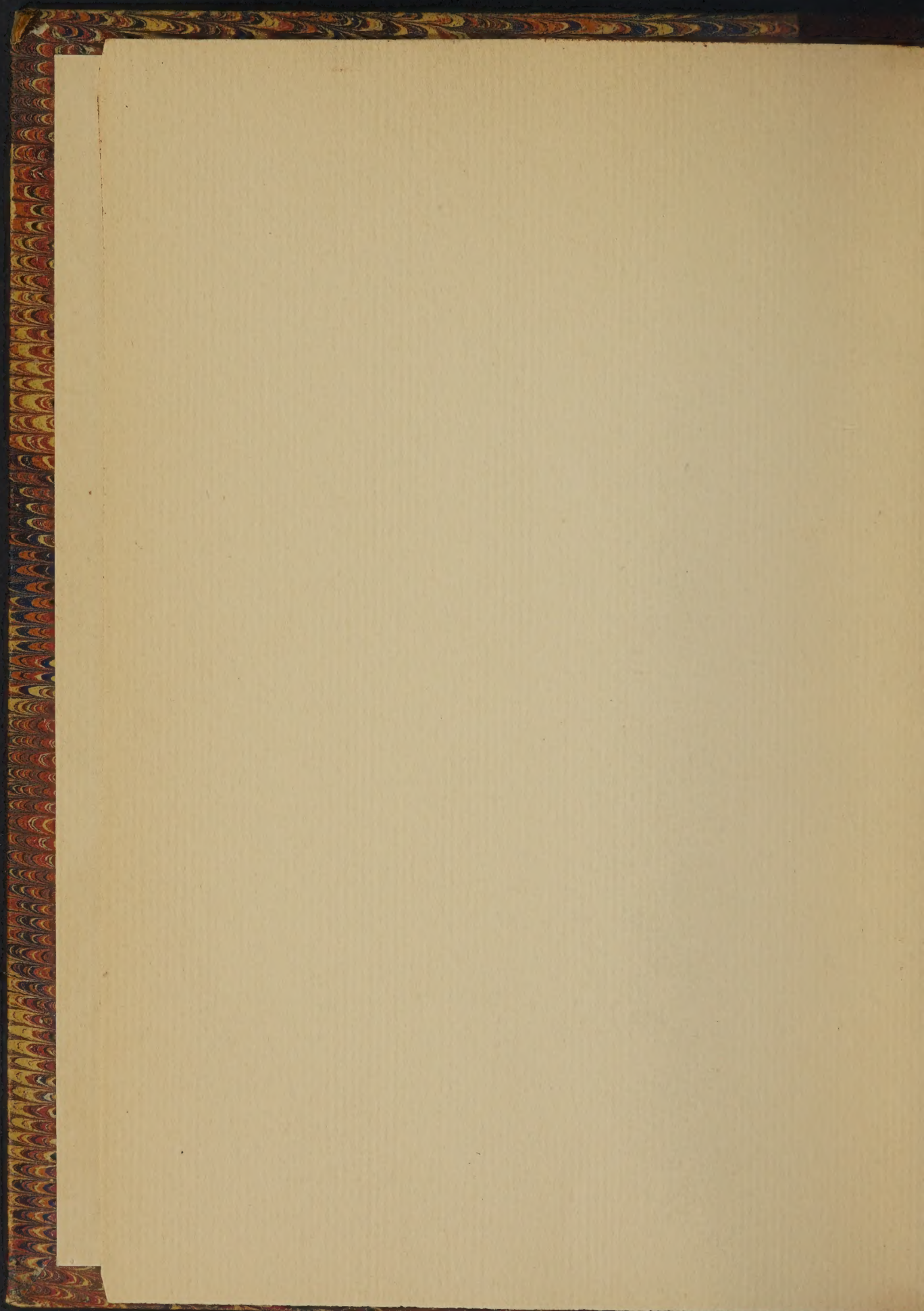


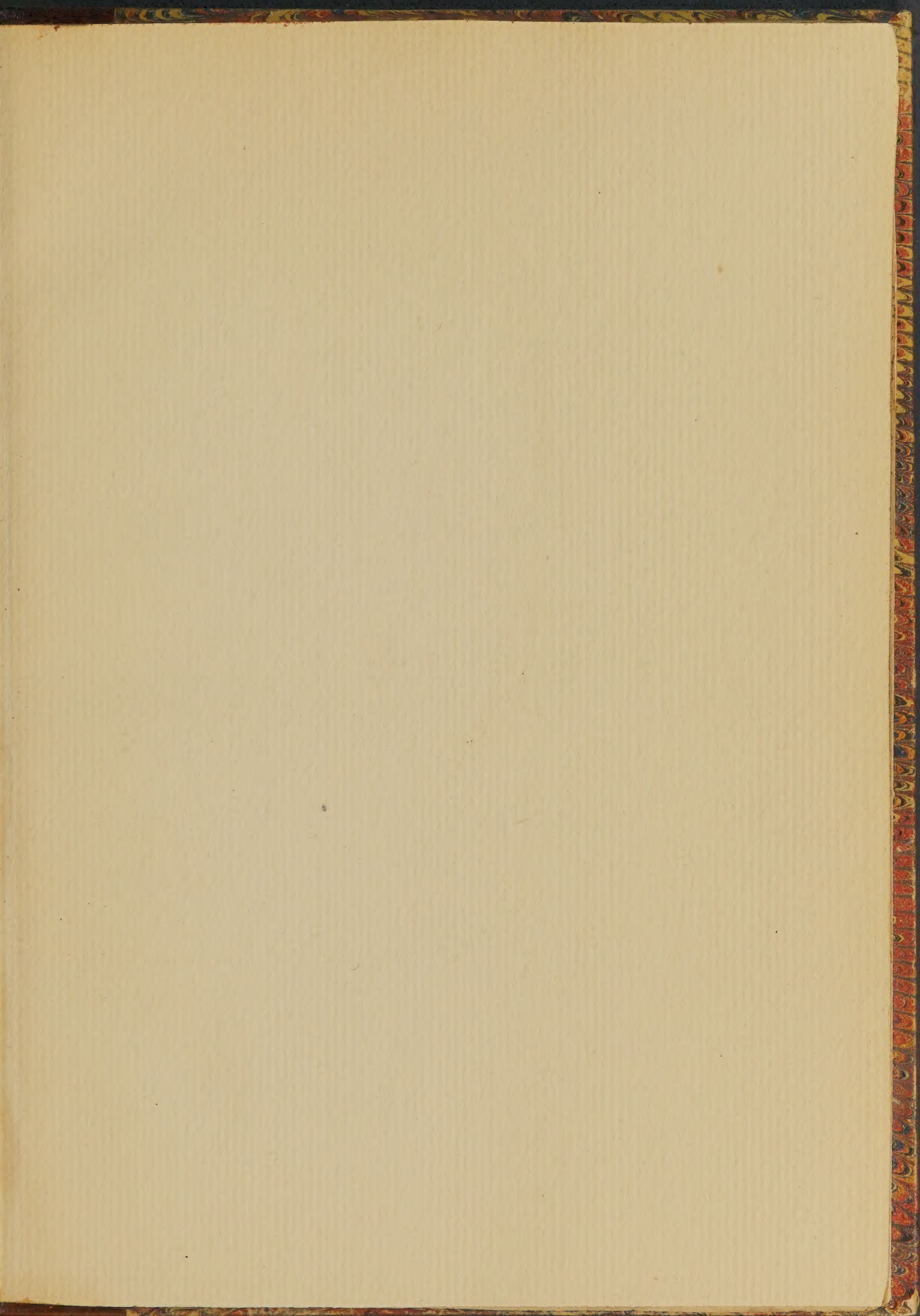


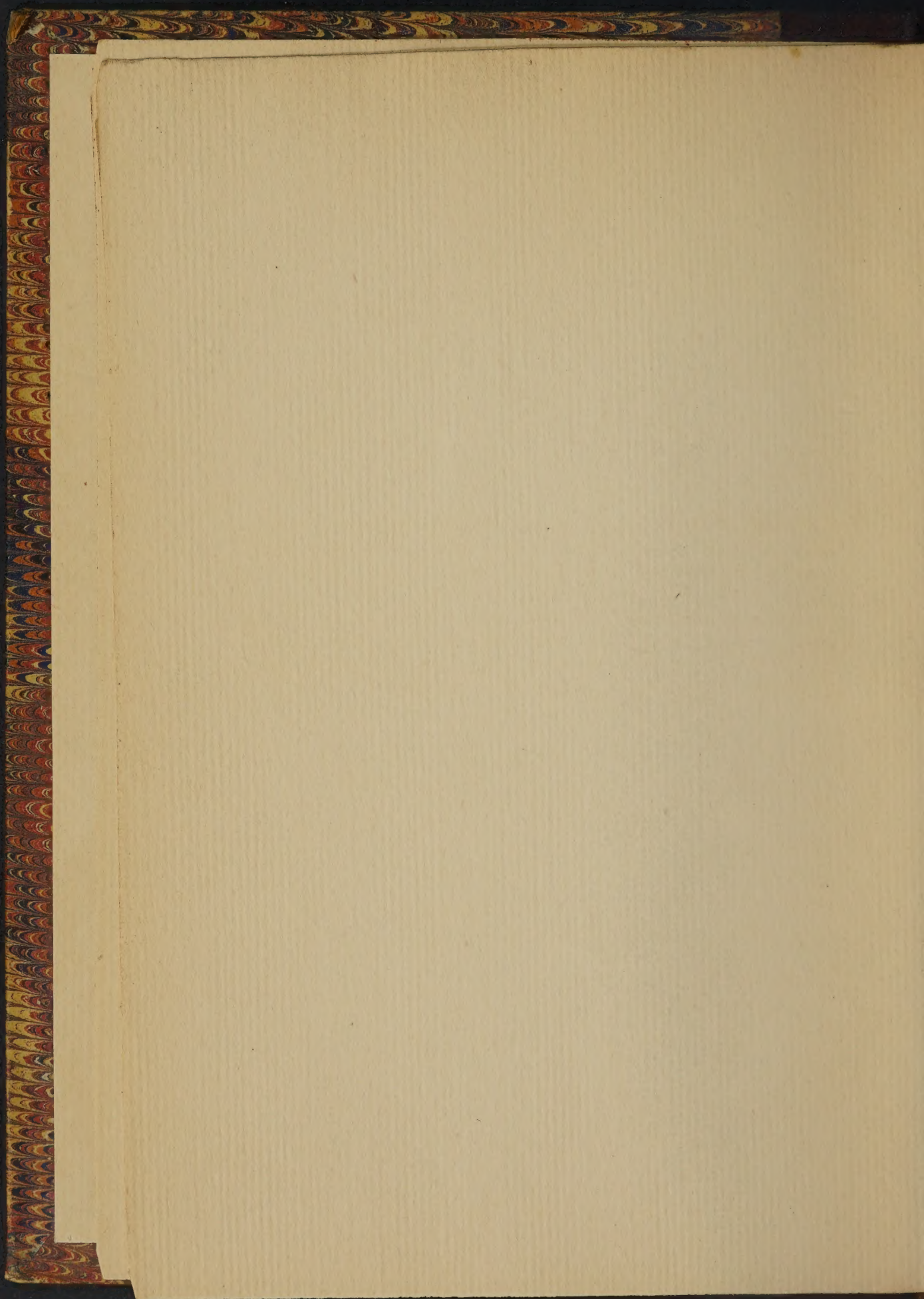


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(10)

LILBURNES (Col. John) Regall Tyranie discovered, a very valuable constitutional Tract, 1647—Dialogue betwixt Rattle-head and Round-head, with the Argument against Bishops, full of mirth and repleat with witty Inventions, 1641—England's Rejoycing at the Prelat's downfall, written by an ill-wisher to the Romish brood, 1641—Aut nunc, aut nunquam, Now or Never, for if not now, enslaved for ever, 1648; 4to. half calf, a curious and scarce collection of secretly printed tracts, 12

"The following character of John Lilburne is given
by Sir Thomas Wrothley, Knight & Baronet, in a
Loyal Song at the Royal Feast, kept by the
Prisoners of the Tower, in August 1647. Folio.

John Lilburne is a stirring Blade,
And understands the Matter,
He neither will King, Bishops, Lords,
Nor th' House of Commons flatter.
John loves no Power Perogative
But that deriv'd from God,
As for the Mitre and the Crown,
Those Two he looks awry on.

He had Squint Eyes, and died a Quaker."

Extracted from Zachary Grey's reply to Neal
Vol. iv. p. 17.

Regall Tyrannie discovered:

O R,

A DISCOURSE, shewing that all lawfull (approbational) instituted power by GOD amongst men, is by common agreement, and mutual consent. Which power (in the hands of whomsoever) ought alwayes to be exercised for the good, benefit, and welfare of the Trusters, and never ought other wise to be administred: Which, whensoever it is, it is justly resistable and revokeable; It being against the light of Nature and Reason, and the end wherefore God endowed Man with understanding, for any sort or generation of men to give so much power into the hands of any man or men whatsoever, as to enable them to destroy them, or to suffer such a kind of power to be exercised over them, by any man or men, that shal assume it unto himself, either by the sword, or any other kind of way.

In which is also punctually declared,

The Tyrannie of the Kings of England, from the dayes of *William* the Invader and Robber, and Tyrant, alias the Conqueror, to this present King *Charles*, Who is plainly proved to be worse, and more tyrannicall then any of his Predecessors, and deserves a more severe punishment from the hands of this present Parliament, then either of the dethroned Kings, *Edw. 2.* or *Rich. 2.* had from former Parliaments; which they are bound by duty and oath, without equivocation or colusion to inflict upon him, He being the greatest Delinquent in the three Kingdoms, and the head of all the rest.

Out of which is drawn a Discourse, occasioned by the Tyrannie and Injustice inflicted by the Lords, upon that stout-faithful-lover of his Country, and constant Sufferer for the Liberties thereof, *Lient. Col. John Lilburn*, now prisoner in the Tower.

In which these 4. following Positions are punctually handled.

1. That if it were granted that the Lords were a legall jurisdiction, and had a judicative power over the Commons; yet the manner of their dealing with *Mr. Lilburn*, was, and is illegall and unjust.
2. That the Lords by right are no Judicature at all.
3. That by Law and Right they are no Law makers.
4. That by Law and Right it is not in the power of the King, nor in the power of the House of Commons it selfe, to delegate the legislative power, either to the Lords divided, or conjoynd; no, nor to any other person or persons whatsoever.

Vnto which is annexed a little touch upon some palpable miscarriages, of some rotten Members of the House of Commons: which House, is the absolute sole law-making, and law-binding Interest of England.

Hof. 8. 4. They have set up Kings, but not by me: They have made them Princes, and I know it not.

53955

The Printer to the Reader.

IF thou beest courteous, Reader, contribute but thy Clemency in favourable correcting the Errata's (notwithstanding much due care had in so publike a work as this is) as we must acknowledge lye dispersed therein. Pag. 1. line 2. for 32. read 33. p. 4. l. 11. for fifthly r. sixthly. p. 7. 59. r. in the world; see Hof. 8. 4 p. 8. l. 17. for they r. he knowing that when he. p. 10. l. 20. for Rom. r. revelation. l. 29. r. Dan. 43. p. 11. l. 6. for against, r. but by. l. 38. for name, r. hand. p. 12. l. 2. r. and as he. l. 16. for 23. r. 33. l. 38. for his, r. their. p. 13. l. 24. for ver. 11. r. chap. 8. ver. 11. p. 15. l. 30. for trivial, r. cruel, p. 16. l. 2. for rule r. cover. p. 18. l. 16. for and his, r. and her. p. 19. l. 34. for rerforme, r. performe. p. 21. l. 1. blot out, years of his. l. 27. for this, r. of this King. l. 31. for most & r. most base &. p. 23. l. 4. for 16. r. 6. p. 24. l. 10. for them, r. him. l. 25. for Realm granted him the ninth peny, r. Realm dear, besides the 9. peny they granted formerly at one time for them to his Predecessor. p. 26. l. 20. r. have had. l. 31. r. unusual. l. 35. r. after this. p. 27. l. 2. r. uncounselable. l. 26. r. late King. p. 34. l. 3. 457, r. 655. l. 6, 264 r. 462. p. 39. l. 26. after Charles, r. but all his Predecessors received their Crown and Kingdom, conditionally by contract & agreement, I doubt not but the present K. Ch. his & c. p. 40. l. 10. r. by, but a, 18, after Kingdō, r. & that there shold not much more be an account of his Office due to this Kingdom it selfe. p. 45. l. 23. after people, r. and comes lineally from no purer a fountain, and Well-spring, then from their Predecessors, l. 25 blot out Dukes. p. 48. l. 29. that, put in if after. p. 56. l. 8, 404, 406, r. 504, 506. p. 59. l. 34. 1641, r. 1646. p. 60. l. 10. 2 Sam: 7: 13, r. 1 King 12: 1. p. 61. l. 17. at the end of justly, r. come by, and. l. 18. at the end of Prophet, r. to K. Rehoboam. (who had assembled 18000. chosen men, which were Warriors to go fight against the house of Israel) p. 72. l. 2. in the margent for 254 r. 264. l. last of the marg. for 4. r. 467. p. 73. l. 15. 16 marg. after 29, insert 46. after Rot. 2, insert 4. p. 75. l. 1. in marg. for 5, r. 9, 4, for 8. r. 18, in marg. for 27. r. 2 part. l. 9. for 58, r. 38. p. 76. l. 19. for own r. other, p. 77. l. 9. in marg. 22, r. 102. p. 79. l. 1. abeas r. Habeas, p. 81. l. 24. r. to deliver to, l. 35, r. at which, p. 84. l. 2. after his honesty, r. his judges cariage, l. 7. for Lordships r. Lobby, p. 86. l. 26 blot out Dukes. p. 87. l. 1. practises r. prises, p. 88. l. 9. King r. Duke, p. 91. l. 13. r. and afterwards in England made Odo, p. 92. l. 2. & 3. r. of whose estate l. 36. for unindivolid, r. unvalid, p. 94. l. 21. r. conquirendum, & tenendum sibi & heredibus, adeo libere per gladium sicut ipse rex tenuit Anglia. p. 95. l. 36. r. Commissioners, p. 96. l. 27. for incursion, r. innovation. p. 97. l. 23. r. But in the Knights, p. 97. l. 3. in the marg. for 84, r. 8, 4, 7. p. 98. l. 8. for nor r. for, p. 101. l. 12. for 1646. r. 1645.

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It is the saying of the God of Truth,
by the Prophet, Isa: 32. 15, 16.
That he that walketh righteously,
and speaketh uprightly, he that de-
spiseth the gain of oppressions, that
shaketh his hands from holding of
bribes, that stoppeth his eares from
hearing of blond, and shutteth his
eyes from seeing of evil; He shall
dwell on high, his place of defence
shall be the Munition of Rocks, &c.

But on the contrary, he saith; Woe unto them that decree unrighteous
Decrees, and that write grievousnesse which they have prescribed, to
turn aside the needy from judgment, and to take away the right from the
poore of my people, that widowes may be their prey, and that they may
rob the Fatherlesse, Chap. 10. 1, 2. Now I, having read over A BOOK
INTITVLED, The FREEMANS FREEDOME VINDICA-
TED, being Lieutenant-Colonell John Lilborns Narrative of the
Lords late dealing with him, in committing him to New-Gate;
and seriously considering of his condition, and of the many base
aspersions cast upon him, and bitter invectives uttered against
him in some late printed Bookes, but especially that of Colonell
John Bellamies, called, *A Vindication of the City Remonstrance*;
which came out, when he was a close prisoner in Newgate, by
vertue of as cruell, unjust, and illegal a Warrant as ever was made
by those that professe themselves to be conservators of the peo-
ples liberties; yea, and I dare say, that search all the Records of
Parliament, since the first day that ever there was any in England,
and you shall not find the fellow of that which is against him; The

(2)
Copy of which (as I find it in that of the *FIRST MAN IN
BONDS*) thus followeth:

Die Martiis, 23. Junii, 1646.

Ordred by the Lords in Parliament assembled, That John Lilburn shall stand committed close prisoner in the Prison of Newgate; and that he be not permitted to have Pen, Inke, or Paper, and none shall have accessse unto him in any kind, but onely his Keeper, untill this Court doth take further order.

IOHN BROWN, Cler. Parliamentorum.

To the Keeper of Newgate, his Deputy, or Deputies.
Exam. per Rad. Brisco, Cler. de Newgate.

What can be more fuller of arbytrary Tyrannie, and illegality then this Order, expressing no cause, why, nor wherefore; & so not only absolutely against the expresse tenour of the *Petition of Right*, but contrary to the very practice of the *Hethen Romanes*, who it seemes had more morallity, reason, and justice in them, then these (pretended Christian) Lords: see Acts 25. 27. For saith *Festus* to King *Agrippa*. &c. when he was to send *Paul* a prisoner to *Rome*, It seemeth to me unreasonable to send a prisoner, and not withall, to signify the Crimes laid against him.

And although that this Arbitrary & illegal Order was extraordinary harshly executed upon *Mr. Lilburn*, and thereby he was as it were tyed hand and foot; yet then did *Mr. Bellamie* watch his opportunity to insult over him, when he knew that he was not able to answer for himself. O the height of basenesse! for a *Colonell* to be so void of manhood, and to finde no time to beat or insult over a man, but when he is down, and also tyed hand and foot!

One thing in *Mr. Bellamies* Book I cannot but take notice of especially, and that is this; He there cites some things in a Book called *ENGLANDS BIRTH-RIGHT*; and because it hath very high language in it, against divers great, and corrupt
Members

Members of Parliament, which is sufficient to destroy and crush the Author of it in pieces, if he were known: And therefore that he might load *Mr. Lilburn* to the purpose, he takes it for granted, that Book is his, although his name be not to it, nor one argument, or circumstance mentioned to prove it his; but the absence of his name, is a sufficient ground to all that knowes him and his resolution, to judge *Mr. Bellamy* a malicious Liar in that particular; It being *Mr. Lilburns* common practice (for any thing I can perceive) to set his name to his Bookes, both in the BBs. days, and since; which Bookes contain the highest language, against the streame of the Times, that I have read, of any mans in England that avoucheth what he writes. As for instance, His Book, called *THE CHRISTIAN MANS TRYALL*, being a Narrative of the illegality of the Stat-Chambers dealing with him, and the barbarous inflaming of their bloody sentence upon him.

Secondly, His Book called, *COME OVT OF HER MY PEOPLE*, written (it seemes) when he was in Chaines, the fullest of resolution that I have read.

Thirdly, *THE AFFLICTED MANS COMPLAINT*, written, when he was sick in his close imprisonment, by reason of his long lying in Irons.

Fourthly, his Epistle to Sir *MAVRICE ABBOT*, then Lord Major of London, called, *A CRY FOR JUSTICE*.

Fifthly, his Epistle to the *PRENTICES OF LONDON*; In both of which, he accuseth the Bishop of Canterbury, of high Treason, and offered, upon the losse of his life, to prove it, when Canterbury was in the height of his glory.

Sixthly, his Home Epistle to the Wardens of the Fleet, when he was in their own custody, and forced to defend his life, and chamber for divers weekes together with a couple of Rapiers, against the Warden and all his men, who had like, several times, to have murdered *Mr. Lilburn*.

Seventhly, his Answer to the nine Arguments of T. B. which layes lead enough upon the old and new Clergie, the rooters up of Kingdomes and States.

And since the Parliament.

First, His Epistle to *Mr. Pryn*, which both gaules him, and the Assembly, the thunder-bolt of England.

Secondly, His *Reasons against Mr. Pryn*, delivered at the Committee of Examinations.

Thirdly, His *Epistle Wrote When he Was in the custody of the Sergeant at Armes*, of the House of Commons, which toucheth not a little the corruptnesse acted in that House.

Fourthly, His Answer to *Mr. Pryn*, in ten sheets of Paper, called *INNOCENCIE AND TRUTH JUSTIFIED*, a notable and unanswerable piece.

Fifthly, His *Epistle to Judge Reeves*, called, *THE JUST MANS JUSTIFICATION*.

Fifthly, His *PROTESTATION AGAINST THE LORDS, AND APPEALE TO THE HOUSE OF COMMONS*.

Seventhly, His *EPISTLE* to the Keeper of Newgate, dated from his Cock-loft in the Presse-yard of Newgate, the 23. of June, 1646.

The next Bookes that I have lately seen against *L. C. Lilburn*, are two rayling ones, made by one *S. Shepheard*, a fellow as full of simplicity as malice; In both whose Bookes, there is not one Argument, or one sound reason, to disprove, what he pretends to confute. The first of his Bookes, is called, *The Farmers famed*, or an answer to three things written (it seemes) by some of *Mr. Lilburns* friends, called, First, *THE JUST MAN IN BONDS*. The second, *A PEARL IN A DVNGHILL*. The third, *A REMONSTRANCE OF MANY THOUSAND CITIZENS*, and other Free-born People of England, to their own House of Commons, &c. The second of *Shepheards*, is called, *The false Allarme*; or, an Answer to an *Allarme*, To the House of Lords. The fourth Pamphlet I find against *L. C. Lilburn*, is called *Plain English*; which last, only gives him two wipes, in his 4. and 12. pages.

Therefore, in regard that the Author of the *City Remonstrance Remonstrated*, hath put Pen to Paper, to answer part of *Mr. Bellamies* Book, but hath not medled with any thing of that which doth concern *Lient. Col. Lilburn*.

And secondly, Forasmuch, as none that is yet visible have medled with any of the other.

And thirdly, In regard that the man is full of *Heroicalnesse*, and a zealous lover of his Country, to whom all the honest free-men of England, are extraordinarily obliged, for his constant, couragi-

ous,

ous, and faithfull standing, for their *just liberties*, that both God, Nature, and the Law of the Land giveth them.

And lastly, in regard that by a late published Book, called, *LIBERTY VINDICATED AGAINST SLAVERY*, I understand of the *Lieutenant of the Towers* base, unworthy, illegal, and strict dealing with him, as in many other things, so in keeping him from Pen and Ink ; by meanes of which, he is unable to speak publikely for himself, which is a sad, barbarous, base, and inhumane case, That a man should be so illegally dealt with, as he is, and abused in print, and his good name endeavoured *Cum privilegio*, to be taken away by every *Rascall*, and yet the poor man not suffered to speak a word for himself. Oh ! horrible and monstrous age, that dare without remorse maintain such horrible impiety, and injustice : Surely, I may well say of them, with the Prophet *Isa. Isa 5. 20, 23, 24*, *Woe unto them that call evill good, and good evill, that put darknesse for light, and light for darknesse, that put bitter for sweet, and sweet for bitter, which justifie the wicked for reward, and take away the righteousness of the righteous from him. Therefore as the fire devoureth the stubble, and the flame consumeth the chaffe ; so their root shall be rottennesse, and their blossome shall go up as dust ; because they have cast away the Law of Jehovah of Hosts, and despised the Word of the holy One of Israel : For he that justifieth the wicked, and he that condemneth the just ; even they both are an abomination to Jehovah, Prov. 17. 15.*

In consideration of all which, together with many more things I shall endeavour (according to that insight I have) in Mr. *Lilburnes* behalf, to make a little more work, for his enemies, the *Lords*, and their Associates ; But this (as a faire adversary) I shall advise them, either to get stouter *Champions* that can handle their weapons better then those that have yet appeared, or else their cause will utterly be lost.

I shall not now undertake to answer the particulars in the fore-mentioned Bookes, but leave that to another Pen, and shall give a home provocation, to the best and ablest Lord in England, or the choicest *Champion* they have, to produce some sound arguments to maintain their jurisdiction, or else their two stooles (called *Usurpation* and *custome*) upon which they sit, will let them fall to the ground.

And the method that I shall observe, shall be this :

First, I will prove, that if it were granted, that the Lords were a legall jurisdiction, and had a judicative power over the Commons, yet the manner of the Lords dealing with him, is illegall and unjust.

Secondly, I will prove that if the Lords were a judicature, yet they have no jurisdiction over Commoners.

Thirdly, I will give some reasons to manifest, that they are no judicature at all.

Fourthly, That they by Law and Right, are no Law-makers.

Fifthly, That by Law and Right, it lyeth not in the power of the King, nor the House of Commons it selfe, to deligate the legislative power, either to the Lords divided, or conjoynd, nor to any other persons whatsoever.

Now for the prooffe of these; The authority I shall make use of, shall, First, be derived from Scripture.

Secondly, from the principles and strength of sound reason.

Thirdly, from the declared Statute-Law of the Kingdome.

Fourthly, from this present Parliaments Declarations.

Fifthly, and lastly, From the Histories of England, licenced by publike Authority.

And that I may not raise a Fabrick, without laying a good Foundation, I will set down that strong and undeniable position, which I find at a Post-script in the latter end of Lieutenant Colonell Lilburns printed Protestation against the Lords; which is thus:

GOD, the absolute Sovereigne Lord and King, of all things in Heaven and earth, the originall fountaine and cause of all causes, who is circumscribed, governed, and limitted by no rules, but doth all things meerly and onely by his Sovereigne will and unlimited good pleasure, who made the world, and all things therein, for his own glory, and who by his own Will and pleasure, gave man (his meer creature) the sovereignty (under himselfe) over all the rest of his creatures, Gen. 1. 26, 28, 29. and endued him with a rationall soul, or understanding, and ther by created him after his own image, Gen. 1. 26 27. and 9. 6. the first of which was Adam, a male, or man, made out of the dust or clay, out of whose side was taken a rib, which by the Sovereigne and absolute mighty creating power of God, was made a female, or woman, called Eve, which two are the earthly, original fountaine, as begetters and bringers forth of all
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and every particular and individuall man, and woman, that ever breathed in the world since, who are, and were, by nature all alike in power, dignity, authority, and majesty, none of them having any authority, dominion, or magisterial power, one over, or above another, but by institution, or donation, that is to say, by mutuall agreement or consent given, derived, or assumed by mutuall consent, and agreement, for the good, benefit, and comfort each of other, and not for the mischief hurt, or damage of any, it being unnaturall, irrational, sinfull, wicked and unjust for any man, or men whatsoever, to part with so much of their power, as shall enable any of their Parliament men, Commissioners, Trustees, Deputies, Viceroyes, Ministers, Officers, and servants, to destroy and undoe them therewith: And unnaturall, irrational, sinfull, wicked, unjust, divillish and tyrannicall it is for any man whatsoever, (spirituall or temporall, Clergy-men or Lay-men, to appropriate and assume unto himselfe, a power, authority, and jurisdiction to rule, govern, or raigne over any sort of men in the world, without their free consent, and whosoever doth it, whether Clergy-men, or any other whatsoever, do thereby as much as in them lyes, endeavour to appropriate and assume unto themselves the Office and Sovereignty of GOD, (who alone doth, and is to rule by his Will and pleasure) and to belike their Creator which was the sin of the devils, who not being content with their first station, but would be like GOD; for which sin they were throwne downe into Hell, reserved in everlasting chaines, under darknesse, unto the judgement of the great day, Jude--vers. 6. And Adams sin it was which brought the curse upon him and all his Posterity; that he was not content with the station and condition that God created him in; but did aspire unto a better, and more excellent (namely to be like his Creator) which proved his ruine, yea, and indeed had been the everlasting ruine & destruction of him and all his, had not GOD been the more mercifull unto him in the promised Messiah. Gen. Chap. 3.

Now for the government of England; It hath been by custome principally and for the most part by the tyrannicall usurpation of a King, and therefore it will be requisite to search into the Scripture, and see, whether ever GOD approbationally instituted it, or onely permissively suffered it to be, as he doth all the other evils and wickednesse in the world, and for the better understanding of
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this, It is requisite, to remember that we find in Scripture, That God was not only Israels husband, and did perform all the offices of a *loving husband* in his sweet and cordiall embracements of her, and loving dispensations to her, but also he was her *KING* himself, to raige and rule over her, and to *protect* and *defend* her, and being the Lord Almighty, and knowing all things past, present and to come, knew well that *Israel* would be forgetfull of all his kindnesse; and though he had chosen them out of all the world in a speciall manner to be his *peculiar ones*; yet they would forsake him, and desire to be like the *World*; And *Moses* declares thus much of them after they had enjoyed the good things of God in abundance: *But Iesurun waxed fat, and kicked: Thou art waxed fat, thou art grown thicke, thou art covered with fatnesse: then he forsook God which made him, and lightly esteemed the Rock of his salvation, Deut. 32. 15.*

And therefore they knowing that when he possessed the Land of *Canaan*, they would reject him, and desire a King (like all the rest of the Heathens, and Pagans) to reign over them: Yet they being dear unto him, he would not wholly reject them, but gave them a *Law* for the chusing of a King, and his behaviour, which we find in Deut. 17. 14, 15, 16, 17, 18, 19, 20. in these words: *When thou art come into the Land, which Iehovah thy God giveth thee, and shalt possesse it, and shalt dwell therein, and shalt say, I will set a King over me, like as all the Nations that are about me. Thou shalt in any wise set him King over thee, whom Iehovah thy God shall chuse, one from among thy Brethren shalt thou set King over thee: Thou mayst not set a stranger over thee, which is not thy brother: But he shall not multiply horses to himself, nor cause the people to return to Egypt, (that is, to bondage or slavery;) to the end, that he should multiply horses: Forasmuch, as Iehovah hath said unto you, Ye shall henceforth return no more that way, (that is to say, ye shall be no more slaves.) Neither shall he multiply wives to himself, that his heart turn not away; neither shall he greatly multiply to himself silver and Gold. And it shall be when he sitteth upon the Throne of his Kingdom, that he shall write him a Copy of this Law in a Book, out of that which is before the Priests, the Levites. And it shall be with him, and he shall read therein all the dayes of his life, that he may learn to feare Iehovah his God, to keepe all the Words of this Law, and these Statutes, and do them; That his heart be not lifted up above his Brethren*

children, and that he turn not aside from the Commandement, to the right hand, or to the left; to the end, that he may prolong his dayes in his Kingdome, he and his children in the midst of Israel. So that to me it is very cleer, that all Government whatsoever ought to be by mutuall consent and agreement; and that no Governour, Officer, King, or Magistrate, ought to be betruſted with ſuch a Power, as inables him when he pleaſeth, to deſtroy thoſe that truſt him; And wickedneſſe [in the higheſt] it is for any King, &c. to raign and govern by his Prerogative; that is to ſay, by his will and pleaſure, and as great wickedneſſe it is for any ſort of men, to ſuffer him ſo to do: For the prooſe of this, I lay down my Argument thus, and we will apply it to the King of England in particular.

He that is not GOD, but a *meer man*, cannot make his Will, a rule, and law, unto himſelf and others.

But *Charles Stewart*, (*alias Charles Rex.*) is not God but a *meer man*.

Ergo, he cannot make his Will a rule and Law unto himſelfe or to the people, of England:

Secondly, He that by contract and agreement receives a Crowne or Kingdome; is bound to that contract and agreement the violating of which, *absolves* and *diſingages* thoſe, (that made it) from him,

But King Charles received His Crowne and Kingdome by a contract, and agreement, and hath broken His contract and agreement.

Ergo. &c.

Now for the clearing of the firſt propoſition, it is confeſt by all that are not *meer Athiſts*, That GOD alone rules, and governs by His Will, and that therefore things are legall, juſt, and good: Becauſe GOD wills them to be ſo. And therefore all men whatſoever muſt, and ought to be ruled by the Law of GOD, which in a great part is engraven in Nature, and demonſtrated by Reason: As for inſtance, It is an inſtinct in Nature, that there is a GOD, Rom. 1. or a mighty incomprehenſible power. (And therefore it is rationall that we ſhould not make Gods unto our ſelves.) and this is the pith of the firſt Commandement. Nature telling me, There is a God. And therefore ſecondly, it is rationall he only ſhould be worſhipped, ſerved, and odored, and that's the marrow of the ſecond Commandement.

dement. And in the third place, seeing *nature* tells me *there is a GOD*, *reason* dictates unto me, that I should speak reverently and honourably of him; And this is the summe of the third Commandement. Fourthly, *Nature* dictating to me, *there is a GOD*, It is rati^onall I should set some time apart to do him homage and service;

And seeing the instinct of *Nature* causes me to look upon him as a Sovereign over me; I s but rati^onall that he should appoint a Law unto me, for the matter, manner, and time of his worship and service; and this is the substance of the fourth Commandement.

Again, seeing *nature* teacheth me to defend my self, and preserve my life; *Reason* telleth me in the Negative, that it is but just that I should not doe that unto another, which I would not have another doe to me; but that in the affirmative, I should do as I would be done unto; And this is the marrow of the whole second Table of Gods Law, from whence, all Lawes amongst men ought to have their derivation: And therefore, because by nature no man is GOD, or Sovereign, one over another; *Reason* tells me, I ought not to have a law imposed upon me, without my consent; the doing of which is meerly tyrannicall, Antichristian, and Diabolically, Rom.

13. Yea, *Reason* tells me in this, that no Sovereignty can justly be exercised, nor no Law rightfully imposed, but what is given by common consent, in which, every individuall is included; So this proves the latter part of the Argument.

As for the minor Proposition, I think it will not be denied; for I conceive, none that confesse Christ to be come in the flesh, will be so Atheisticall, as to affirme the King to be any more then a meer man, subject to the like infirmities with other men; See Acts 12. 22, 23. Dan. 14. 22, 25, 33. and 5. 18, 20, 23.

As touching the second Argument, the whole Current of the Scripture proveth it, In all the Contracts betwixt GOD and his Creatures. As for instance:

First, with *Adam*, who by Gods contract (being his Sovereign) was to enjoy *Paradise*, &c. upon such, and such a condition; but as soon as *Adam* broke the agreement, GOD took the forfeiture, see Gen. 3. 16, 17, 24. So likewise GOD made a contract with *Israel*, when he gave the Law in *Mount Syna* (as their LORD and KING) by the hand of *Moses*: But when they broke their

covenant

Covenant, GOD took the forfeiture, though he being a *Sovereigne LORD*, and governed by nothing but his own *WILL*, forbore long the finall execution of the forfeiture : So in the same case amongst the *Sons of Men*, that live in mutuall society one amongst another in *nature and reason*, there is none above, or over another, against mutuall consent and agreement, and all the particulars or individuals knit and joyned together by mutuall consent and agreement, becomes a *Sovereign Lord and King*, and may create or set apart, for the execution of their Lawes (flowing from their will and mind founded upon the *Law of God*, ingraven in *nature*, and demonstrated by reason) Officers, which we call *Magistrates*, and limit them by what rules they judge convenient ; alwayes provided, they be consonant to the *Law of God, Nature, and Reason* ; by the force of which, it is not lawfull for any man to subject himself, to be a slave. For that which is against *Nature*, and the glory of the Image of GOD that he created man in, *Gen. 9. 6*, and so a dishonour to himself and to his Maker, his absolute and alone Sovereign, cannot justly be done. But to subject to slavery, or to be a slave, is to degenerate from his Originall, and *Primitive institution of a Man* into the habit of a *Beast*, upon whom GOD never bestowed that stile of honour of being creatures created in the Image of their Creator.

And therefore, I am absolutely of *Catoes* mind, to think, that no man can be an honest man, but he that is a free man, And no man is a free man, but he that is a just man. And for any man in the world, whatsoever he be, that shal by his sword, or any other means thus assume unto himself, and exercise a power over any sorts of men, after this kind against their wills and mindes, is an absolute Tyrant and Monster, not of God, or mans making, but of the *Divels* lineage and off-spring, (who is said to go up and down the world, seeking whom he may devour) who ought to be abhorred of GOD, and all good men, seeing that such Monsters, commonly called *Kings or Monarks*, assume unto themselves, the very Sovereignty, Stile, Office, and name of GOD himself, whose Sovereign Prerogative it is, only, and alone, to rule and govern by his Will. Therefore when the Sons of men took upon them to execute in this kind, GOD raised up *Moses* his Servant, to deliver those whom he took delight in, from their tyranny, and to be an Instrument in his Name to ruine and destroy that grand Tyrant *Pharoah*, and all his Coun-

try, *Exod.* 3. 9, 10. and 5. 5. and 14. 5, 14, 25, 28.

As he journied towards Canaan, God by his Agents destroyed five (Vsurpers or Kings) more, at one bout, *Num* 31. 8. and more at the next bout, *Num*: 32. 33. *Deut*: 3. 2, 3. And after him, the Lord raised up *Ioshua*, whom he filled full of the Spirit of wisdom, *Deut*: 34. 9. to be his executioner upon such his pretending Competitors, Kings (alias Tyrants.) And the first that I read of was the King of *Jericho*, whom he destroyed, *Iosh* 6. 21. and 10. 28. And the next was the King of *Ave*, whose Citie and Inhabitants he utterly destroyed, and hanged their King on a tree, *Iosh* 8. 26, 28, 29. The next after them was five Kings, with whom he waged battell altogether, And when he had slain their people, he took the five Kings, and caused his Captains and men of war to tread upon their necks, and afterwards he smote them, and slew them, and hanged them on five trees, *Iosh* 10. 26. The next he destroyed was the King of *Makkedah*, *vers*. 28. and *vers*. 29. he destroyed the King of *Libnah*, *vers*. 23. he destroyed the King of *Gezer*; and the next he destroyed was the King of *Hebron*, *vers*. 37. And then he utterly destroyed the King of *Debir*, and his City, *vers*. 39. and in chap. 11. *Hazer* sent to abundance of his neighbouring Kings, who assembled much people together, even as the sand that is upon the Sea-shore, (*vers*. 4) to fight against *Ioshua*, who utterly destroyed them all, *vers*. 12. -- 23. which in the next Chapter he enumerates; And after *Ioshua*, the Lord chose *Judah*, to be his Executioner, or his Deputy, or Vice-Roy, that being a name and title high enough for any man, and the first piece of justice that *Judah* doth, is upon *Adonibezek*, who was a great and cruell King and Tyrant, and his thumbs and his great toes he cut off, who himself confessed it, a just hand of God upon him, himself having served threescore and ten Kings in the same manner, and made them gather their meat under his Table, *Iudg*. 1. 6, 7. But the children of Israel: (his Subjects of GOD not onely by Creation, but also by Contract and Covenant) violating their Covenant with their Sovereigne LORD and KING, in not driving out, and utterly destroying the people of Gods indignation: (who had robbed him of his Honour, as their Sovereign by creation in yeelding subjection to the wills and lusts of Tyrants, called their Kings, who had thereby usurped upon the peculiar Prerogative Royall of GOD himself, and so put both Tyrants (Kings) and Slaves (his Subjects) out of the protection of their Creator) wherefore they became unto them as thornes in their sides, *Iudg*. 2. 2, 3. and in
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a little time they began to rebell against their LORD, and his Lawes, which incensed his anger against them, and caused him to deliver them into the hands of Spoylers, and to sell them into the hands of their Enemies round about, Iudg. 2. 14. And in the 9 chapter Abemilech sought the Sovereignty over the people, and got it with the blond and slaughter of threescore and ten of his Brethren, but GOD requited it with a winnesse, both on him, and all that had a finger in furthering of his usurpation, vers. 23, 24, 45, 53, 54 for afterward the Tyrant that they had set up destroyed them all for their pains, and in the end had his scull broke to pieces with a piece of a mill-stone thrown from the hand of a woman, And after many miseries sustained by the people of Israel, for their revolt from their loyalty to GOD, their LORD and KING: Yet in their distresse, hee took compassion of them, and sent them Samuel, a just and righteous Judge, who judged them justly all his dayes.

But the people of Israel like foolish men, not being content with the Government of their Sovereign by Judges (who out of doubt took such a care of them, that he provided the best in the world for them) would reject their Liege Lord, and chuse one of their own; namely, a King, that so they might be like the Pagans and Heathens, who live without God in the world, which Act of theirs, God plainly declares was a rejection of him, that he should not reign over them, 1 Sam. 8. 7. and chap. 10. 19. But withal, he describeth vn- 1 Sam 8. to them the behaviour of the King, vers. 11, 12, 13, 14, 16. which 7. and is, that he will rule and govern them by his own Will [just Tyrant 10. 9. like] for saith Samuel, he will take your Sons, and appoint them for himselfe for his Chariots, and to be his horsemen, and some shall run before his Chariots, and he will take (by his Prerogative) your Fields, and your Vineyards, and your Oliveyards, even the best of them, and give them to his Servants, and he will take your men-servants, and your maid-servants, and your goodliest young-men, and your Asses, and put them to his worke. &c. And saith Samuel, you shall cry out in that day, because of your King, which ye shall have chosen unto you: but the Lord will not hear you in that day: And Samuel (in the 12. Chapter,) gives them positively the reason of it, which was, that although GOD in all their straights had taken compassion on them, and sent them deliveries, and at the last, had by himself, set them free on every side; so that they dwelt safely: Yet all this

would not content them, but they would have a King to reigne over them, when (saith Samuel) The Lord your God was your King: therefore chap. 10. 19. saith Samuel, ye have this day rejected your God, who himself saved you out of all your adversities, &c. yea, and (in the 19. ver. of the 12. chap.) the People acknowledged that they had added unto all their sins, this evill, even to ask a King; Whereby we may evidently perceive, that this office of a King, is not in the least of Gods institution; neither is it to be given to any man upon earth: Because none must rule by his will but God alone; And therefore the Scripture saith, He gave them a King in his anger, and took him away in his wrath, Hosea 13. 11.

In the second place for the prooffe of the minor Proposition, which is, That Charles R. received his Crown and Kingdome by contract and agreement, and hath broken his contract and agreement, I thus prove.

And first, for the first part of the position, History makes it clear, that WILLIAM THE CONQUEROVR, OR TYRANT, being a Bastard, subdued this Kingdome by force of Armes. Reade Speeds Chronicle, folio 413. There being slain in the first Battell, betwixt him and the English about sixty thousand men, on the English party, A. Daniel records in his History, fol. 25. And having gained the Country, he ruled it by his sword, as an absolute Conqueror, professing that he was beholding to none for his Kingdome, but God and his sword, making his power as wide as his will (just Tyrant like) giving away the Lands of their Nobles to his Normans, laying unwonted taxes, and heavie subsidies upon the Commons, in so much, that many of them, to enjoy a barren liberty, forsook their fruitfull inheritance, and with their wives and children as out-laws, lived in Woods, preferring that naked name of freedome, before a sufficient maintenance possessed under the thraldome of a Conqueror, who subverted their Lawes, disarmed the Common, prevented their night meetings, with a heavie penalty, that every man at the day closing should cover his fire, and depart to his rest, thereby depriving them of all opportunity to consult together, how to recover their liberties; calling Officers all both of command and judicature, on those who were his which made, saith Daniel, page 46. his domination such as he would

would have it; For whereas the causes of the Kingdome were before determined in every Shire, And by a Law of King Edward Segier, all matters in question should, upon speciall penalty, without further deferment, be finally decided in the Gemote, or Conventions held monthly in every Hundred: Now he ordained, That four times in the yeare for certain dayes, the same businesse should be determined, in such place as he would appoint, where he constituted Judges, to attend to that purpose, and others from whom as from the bosome of the Prince all litigators should have justice. And to make them as miserable, as slaves could be made, He ordered that the Lawes should be practised in French, All Petitions, and businsses of Court in French, that so the poor miserable people might be gulled, and cheated, and one and destroyed; not onely at his will and pleasure, but also at the will and pleasure of his under Tyrants and Officers; For to speak in the words of Martin, in his History, page 4. He enacted and established strict and severe Lawes, and published them in his own language; by meanes whereof, many (who were of great estate, and of much worth) through ignorance did transgress, and their (multitude) offences were great enough to entitle the CONQUEROR to their lands, to the lands and riches which they did possess; All which he seized on, and took from them without remorse. And in page 5. he declares, that he erected sundry Courts, for the administration of his new Lawes, and of Justice, and lest his Judges should bear too great a sway by reason of his absence; he caused them all to follow his Court, upon all removes, whereby he not only curbed their dispositions, which inclined them to be great, but also tired out the English Nation with extraordinary troubles, and excessive charges, in the prosecution of Suites in Law.

From all which relations we may observe;

First, from how wicked, bloody, triviall, base, and tyrannicall a Fountain our gracious Soveraignes, and most excellent Majesties of England have sprung; namely, from the Spring of a Bastard, of poore condition, by the Mothers side, and from the pernicious springs of Robbery, Pyracie, violence, and Murder, &c. Howsoever, fabulous Writers, strive (as Daniel saith) to abuse the credulity of after Ages, with Heroicall, or miraculous beginnings, that surely if it be rightly considered, there will none dote upon those kind of Monsters, Kings; but Knaves, Fooles, Tyrants,

or *Monopolizers*, or *unjust wretched persons*, that must of necessity have their *Prerogative* to rule over all their *wickednesses*.

Secondly, Observe from hence, from what a pure Fountain our inflaving Lawes, Judges, and Practises in Westminster Hall, had their originall; namely, from the will of a *Conqueror and Tyrant*, for I find no mention in History of such *Judges, Westminster Hall Courts*, and such *French ungodly proceedings* as these, untill his dayes, the burthen of which, in many particulars to this day, lies upon us.

But in the 21. of this Tyrants reigne, After that the *captivated Natives* had made many struglings for their *liberties*, and he having alwayes suppressed them, and made himself absolute, He began (saith Daniel, fol. 43.) to govern all by the *customes of Normandy*; whereupon the *agrieved Lords*, and *sad People of England* tender their *humble Petition*, beseeching him in regard of his Oath made at his *Coronation*; and by the *soule of St. Edward*, from whom he had the *Crown and Kingdome*, under whose Lawes they were born and bred, that he would not adde that misery, to deliver them up to be judged by a *strange Law* which they understood not. And (saith he) so earnestly they wrought, that he was pleased to confirme that by his *Charter*, which he had twice fore-promised by his Oath. And gave commandment unto his *Iustitaries* to see those Lawes of St. Edward to be inviolably observed throughout the *Kingdome*. And yet notwithstanding this confirmation, and the *Charters* afterward granted by Henry the second, and King Iohn, to the same effect; There followed a great *Innovation* both in Lawes and Government in England; so that this seemes rather to have been done to acquit the people, with a shew of the confirmation of their *antient Customes and liberties*, then that they enjoyed them in effect: For whereas before, those Lawes they had, were written in their tongue intelligible unto all; Now they are translated into *Latine and French*. And whereas the *Causes* of the *Kingdome* were before determined in every *Shire*, And by a *Law* of King Edward senior, all matters in question should upon speciall penalty, without further deferment, be finally decided in their *Germete* or *Conventions* held monethly in every *Hundred* (A MOST GAL-LANT LAW.) But he set up his *Judges* four times a yeare, where he thought good to hear their *Causes*; Again, before his Conquest, the *inheritances* descended not alone, but (after the *Germane man-*

ner, equally divided to all the children which he also altered; And after this King (*alias*, Tyrant) had a cruell and troublesome reign, his own Son *Robert* rebelling against him (yea, saith *Speed*, fol. 430.) *all things degenerated so* (in his cruell dayes) *that tame and domestike fowles, as Hens, Geese, Peacocks, and the like, fled into the Forrests and Woods, and became very Wild in imitation of men.* But when he was dead, his Favourites would not spend their pains to bury him, and scarce could there be a grave procured to lay him in; See *Speed*, fol. 434. and *Daniel*, fol. 50. and *Martin*, fol. 8.

WILLIAM THE SECOND, to cheat and cosen his eldest brother *Robert*, of the Crown, granted relaxation of tribute with other releevements of their dolencies, and restored them to the former freedome of hunting in all his Woods and Forrests, *Daniel* fol. 53. And this was all worth the mentioning, which they got in his dayes.

And then comes his brother, *Henry* the first, to the Crown, and he also stepping in before *Robert* the eldest brother, and the first actions of his government tended all to bate the people, and sugar their subjection, as his Predecessour upon the like imposition had done, but with more moderation and advisednesse; for he not only pleaseth them in their releevement, but in their passion, by punishing the chiefe Ministers of their exactions, and expelling from his Court all dissolute persons, and eased the people of their Impositions, and restored them to their lights in the night, &c. but having got his ends effected, just tyrant-like, he stands upon his *Prerogative*, that is, his *will* and *lust*; but being full of *turmoiles*, as all such men are, his Son the young *Prince*, the only hope of all the *Norman* race was at Sea, (with many more great ones) *drowned*, after which, he is said never to have been seen to laugh, and having (besides this great losse) many troubles abroad, and being desirous to settle the Kingdome upon his daughter *Maud* the Empreffe, then the wife of *Geffery Plantaginet*, in the 15. year of his reign he begins to call a Parliament, being the first after the Conquest: for that (saith *Dan*, fol. 66.) he would not wrest any thing by an imperiall power from the Kingdome (which might breed Ulcers of dange-

rous nature) he took a course to obtain their free consents, to ob-
serve his occasion in their generall Assemblies of the three Estates
of the Land, which he convoked at Salisbury, and yet notwith-
standing by his prerogative, resumed the liberty of hunting in
his Forrests, which took up much faire ground in England, and
he laid great penalties upon those that should kill his Deere. But
in this Henry the first, ended the Norman race, till Henry the se-
cond: For although Henry the first had in Parliament caused
the Lords of this Land, to swear to his Daughter Maud and her
Heires, to acknowledge them as the right Inheritors of the
Crown: Yet the State elected, and invested in the Crown of Eng-
land (Within 30. dayes after the death of Henry) Stephen Earle of
Bolloign, and Montague Son of Stephen, Earle of Blois, having no ti-
tle at all to the Crown, but by meer election was advanced to it, The
Choosers being induced to make choice of him, having an opini-
on, that by preferring one, whose title was least, it would make
his obligation the more to them, and so, they might stand better
secured of their liberties, then under such a one as might pre-
sume of a hereditary succession.

And being crowned, and in possession of his Kingdome, hee
assembleth a Parliament at Oxford, wherein hee restored to the
Clergie all their former liberties, and freed the Laity from their
tributes, exactions, or whatsoever grievances oppressed them,
confirming the same by his Charter, which faithfully to ob-
serve, hee took a publike Oath before all the Assembly, where
likewise the BBs. swore fealty to him, but with this condition (saith
Daniel, folio 69.) SO LONG AS HE OBSERVED THE
TENOUR OF THIS CHARTER, And Speed in his Chroni-
cle, fol. 458. saith, that the Lay-Barons made use also of this policie,
(which I say is justice and honesty) as appeareth by Robert Earle of
Glocester, who swore to be true Liege-man to the King, AS
LONG AS THE KING WOULD PRESERVE TO HIM
HIS DIGNITIES, AND KEEPE ALL COVENANTS:
But little quiet the Kingdome had; for rebellions and trou-
bles dayly arose by the friends of Maud the Emperesse, who
came into England, and his Associates pitching a field with him,
where he fought most stoutly, but being there taken, hee was
seng

sent prisoner to *Bristoll*. And after this Victory thus obtained, (saith *Martin*, fol. 29.) The Empreſſe, with many honourable triumphs and ſolemnities was received into the Cities of *Circeſter*, *Oxford*, *Wincheſter*, and *London*; but the *Londoners* deſiring the reſtitution of *King Edwards Lawes*, which ſhe reſuſed, which proved her ruine, and the reſtitution of *King Stephen* out of priſon, and to the Crown again; and after ſome freſh bouts, betwixt *King Stephen*, and *Duke Henry* (*Mauds* eldeſt Son) a Peace was concluded betwixt them in a Parliament at *Westmiſter*, and that *Duke Henry* ſhould enjoy the Crown after *King Stephen*. At the receiving of which, he took the uſuall oath, and being like to have much work in *France*, &c. being held in thereby from all exorbitant courſes, he was therefore wary to obſerve at firſt, all meanes to get, and retain the love and good opinion of this Kingdom, by a regular and eaſie government, and at *Waldingford*, in Parliament (saith *Daniel*, fol. 80.) made an act, that both ſerved his own turn, and much eaſed the ſtomackes of his people, which was the expulſion of ſtrangers, wherewith the Land was much peſtered, but afterwards was more with *Becket* the traytorly Arch-biſhop of *Canterbury*, And after him ſucceeds his Son *Richard* the firſt. (At the beginning of this mans Reigne, a miſerable maſſacre was of the Jewes in this Kingdom,) who went to the holy wars, and was taken priſoner by the Emperour. as he came home, of whom (*Daniel* ſaith, fol. 126.) that) he reigned 9 years, and 9 moneths, wherein he exacted, and conſumed more of this Kingdome, then all his Predeceſſours from the *Norman* had done before him, and yet leſſe deſerved then any. His brother *Duke John* being then beyond Seas with his Army, was by the then Archbiſhop of *Canterburies* meanes endeavoured to be made King, who undertooke for him that he ſhould reſtore unto them their Rights, and govern the Kingdome as he ought with moderation, and was thereupon, (after taking three oathes, which were to love holy Church, and preſerve it from all Oppreſſours, to govern the State in juſtice, and abolish bad Lawes, not to aſſume this Royall honour, but with full purpoſe to reſforme that he had ſworn. *Speed* 534.) crowned King; And becauſe the title was doubtfull, in regard of *Arthur* the Poſthumus Son of *Geffery*, Duke of *Brittain*, *King Johns* eldeſt brother (*Speed* fol. 532) he receives the Crown and Kingdome by way of election, *Daniel* fol. 127.

The Kings
Oath.

the Archbishop that crowned him, in his Oration professing, before the whole Assembly of the State, *That by all reason, Divine and Humane, none ought to succeed in the Kingdome, but who should bee for the worthinesse of his vertues, universally chosen by the State, as was this man.* And yet notwithstanding all this, he assumed power by his will and prerogative, to impose three shillings upon every ploughland, and also exacted great Fines of Offenders in his Forrests. And afterwards summons the Earles and Barons of England to be presently ready with Horse and Arms to passe the Seas with him. But they holding a conference together at Lecester, by a generall consent send him word, *That unlesse he would render them their rights and liberties, they would not attend him out of the Kingdome.* Which put him into a mighty rage; but yet he went into France, and there took his Nephew Arthur prisoner, and put him to death, by reason of which the Nobility of Britaigne, Anjou and Poitou, took Armes against him, and summon him to answer at the Court of Justice of the King of France, to whom they appeale. Which he refusing, is condemned to lose the Dutchy of Normandy, (which his Ancestors had held 300. yeares) and all other his Provinces in France, which he was accordingly the next yeare depofed of.

And in this disastrous estate (saith Daniel fol. 130.) he returnes into England, and charges the Earles and Barons with the reproaches of his losses in France; and fines them (by his Prerogative) to pay the seventh part of all their goods for refusing his aid. And after this going over into France to wrastle another fall, was forced to a peace for two yeares, and returnes into England for more supplies; where, by his will, lust, and prerogative, he layes an imposition of the thirteenth part of all moveables, and other goods, both of the Clergie and Laitie; who now (saith Daniel) seeing their substances consume, and likely ever to be made liable to the Kings desperate courses, began to cast about for the recovery of their ancient immunities, which upon their former sufferance had been usurped by their late Kings. And hence grew the beginning of a miserable breach between the King & his people, which (saith he) folio 131.) cost more adoe, and more Noble blood, then all the warres forraigne had done since the Conquest: For this contention ceased not, though it often had fair intermissions, till the GREAT CHARTER, made to keep the Beame right betwixt SOVERAIGNTY and SUBJECTION, first obtained
of

of this King JOHN, in his 15. and 16. yeares of his yeares of his
 reigne; and after of his sonne Henry the 3. in the 3. 8. 21. 36. 42.
 yeares of his reigne (though observed truly of neither) was in the ma-
 turity of a judicall Prince, Edward the first, freely ratified, Anno regni
 27.28. But I am confident, that whosoever seriously and impar-
 tially readeth over the lives of King John, and his sonne Henry the
 third, will judge them *Monsters* rather than men, *Roaring Lions*,
Ravening Wolves, and *salvadge Boares* (studying how to destroy and
 ruine the people) rather than *Magistrates* to govern the people
 with justice and equity: For, as for King John; he made nothing to
 take his Oath, and immediatly to break it (the common practice of
 Kings) to grant *Charters* and *Freedomes*, and when his turn was
 served, to annihilate them again; and thereby, and by his tyranni-
 call oppressions, to embroyle the *Kingdome* in *Warres*, *Blood*, and all
 kind of miseries. In selling and basely delivering up the *Kingdome*
 (that was none of his own, but the peoples) as was decreed in the
 next *Parliament* (*Speed* fol. 565. by laying down his *CROWN*,
Scepter, *Mantle*, *Sword* and *Ring*, the *Ensignes* of his *Royalty*, at
 the feet of *Randolphus* the Popes Agent, delivering up therewithall
 the *Kingdome* of *England* to the Pope. And hearing of the death of
Geffery Fitz Peter, one of the *Patrons* of the people, rejoyced much,
 and swore by the Feet of God, That now at length he was King and
 Lord of *England*, having a freer power to untie himselfe of those knots
 which his Oath had made to this great man against his Will, and to break
 all the Bonds of the late concluded peace with the people;
 unto which he repented to have ever condescended. And (as *Daniel*
 folio 140. faith) to shew the desperate malice this King (and Ty-
 rant) (who rather then not to have an absolute domination over his
 people to doe what he listed, would be any thing himselfe under a-
 ny other, that would but support him in his violences.) There is re-
 corded an *Ambassage* (the most and impious that ever was sent by any
 Christian Prince) unto *Marammalim* the Moore, intituled, The
 great King of *Africa*, &c. Wherein he offered to render unto him his
Kingdome, and to hold the same by tribute from him, as his *Sovereign*
Lord: to forgoe the *Christian faith* (which he held vain) and receive
 that of *Mahomet*. But leaving him and his people together by the
 cares (striving with him for their liberties and freedoms (as justly
 they might) which at last brought in the *French* amongst them to
 the

Consider,
 compare, and
 conclude.

the almost utter ruine and destruction of the whole Kingdome, and at last he was poysoned by a Monk.

It was this King (or Tyrant) that enabled the Citizens of London to make their Annuall choyce of a Mayor and two Seriffes.
Martaine 59.

The Kingdome being all in broyles by the French, who were called in to the aid of the Barons against him; and having got footing; plot and endeavour utterly to extinguish the English Nation. The States at Gloucester in a great Assembly, caused Henry the third his sonne, to be Crowned, who walked in his Fathers steps in subverting the peoples Liberties and Freedomes, who had so freely chosen him, and expelled the French: yet was hee so led and swayed by evill Councillors, putting out the Natives out of all the chief places of the Kingdome, and preferred strangers only in their places. Which doings made many of the Nobility (saith Daniel folio 154.) combine themselves for the defence of the publick (according to the law of Nature and Reason) and boldly doe shew the King his error, and ill-advised course in suffering strangers about him, to the disgrace and oppression of his naturall liege people, contrary to their Lawes and Liberties; and that unlesse he would reforme this excesse, whereby his Crown and Kingdome was in imminent danger, they would withdraw themselves from his Councell. Hereupon the King suddenly sends over for whole Legions of Poictonions, and withall summons a Parliament at Oxford, whither the Lords refuse to come. And after this, the Lords were summoned to a Parliament at Westminster, whither likewise they refused to come, unlesse the King would remove the Bishop of Winchester, and the Poictonians from the Court: otherwise by the common Councell of the Kingdom, they send him expresse word, They would expell him and his evill Councillors out of the land, and deale for the creation of a new King. Fifty and six yeares this King reigned in a manner in his Fathers steps: for many a bloody battell was fought betwixt him and his people for their Liberties and Freedomes, and his sonne Prince Edward travelled to the warres in Africa: The State after his Fathers death in his absence assembles at the New Temple, and Proclaim him, King. And having been six yeares absent, in the the third yeare of his reigne comes home, and being

being full of action in warres, occasioned many and great Levies of money from his people; yet the most of them was given by common consent in Parliament; and having been three years out absent of the Kingdom, he comes home in the 16. year of his reign. And generall complaints being made unto him of ill administration of justice in his absence, *And that his Judges like so many Jewes, had eaten his people to the bones, & ruinated them with delays in their suits, and enriched themselves with wicked corruption* (too comon a practice amongst that generation) he put all those from their Offices who were found guilty (and those were almost all) and punished them otherwise in a grievous manner, being first in open Parliament convicted. See Speed folio 635. And, saith Daniel, folio 189. The fines which these wicked corrupt Judges brought into the Kings Coffers, were above one hundred thousand marks; which at the rate (as money goes now) amounts to above three hundred thousand Markes; by meanes of which he filled his empty coffers, which was no small cause that made him fall upon them. In the mean time these were true branches of so corrupt a root as they flowed from, namely the Norman Tyrant. And in the 25. yeare of his reigne he calles a Parliament, without admission of any Church-man: he requires certain of the great Lords to goe into the warres of Gascoyne; but they all making their excuses every man for himselfe: The King in great anger threatned that they should either goe, or he would give their Lands to those that should.

Whereupon *Humphry Bohun, Earle of Hereford, High Constable, and Roger Bigod, Earle of Norfolk, Marshall of England,* made their Declaration, *That if the King went in person, they would attend him, otherwise not.* Which answer more offends. And being urged again, the Earle Marshall protested, *He would willingly go thither with the King, and march before him, in the Vantguard, as by his right of inheritance he ought to doe.* But the King told him plainly, *he should goe with any other, although himself went not in person.* I am not so bound (said the Earle) neither will I take that journey without you. The King swore by God, *Sir Earle you shall goe or hang.* And I sweare by the same oath, *I will neither goe nor hang* (said the Earle). And so without leave departed.

Shortly after the two Earles assembled many Noblemen, and others their friends, to the number of thirty Barons; so that they were fifteen hundred

hundred men at Arms, well appointed, and stood upon their own guard: The King having at that time many Irons in the fire of very great consequence, judged it not fit to meddle with them, but prepares to go beyond the Seas, and oppose the King of France; and being ready to take ship, the Archbishops, Bishops, Earles, and Barons, and the Commons send him in a Roll of the generall grievances of his Subjects, concerning his Taxes, Subsidies, and other Impositions, with his seeking to force their services by unlawfull courses, &c. The King sends answer, that he could not alter any thing without the advice of his Councell, which were not now with them; and therefore required them, seeing they would not attend him in this journey (which they absolutely refused to doe, though he went in person, unlesse he had gone into France or Scotland) that they would yet do nothing in his absence prejudiciall to the peace of the Kingdom. And that upon his return, he would set all things in good order as should be fit.

And although he sayled away with 500. sayle of ships, and 18000. men at Armes, yet he was crossed in his undertakings, which forced him (as Daniel saith) to send over for more supply of treasure, and gave order for a Parliament to be held at York by the Prince, and such as had the managing of the State in his absence; wherein, for that he would not be disappointed, he condescends to all such Articles as were demanded concerning the Great Charter, promising from thenceforth never to charge his Subjects, otherwise then by their consents in Parliament, &c. Which at large you may reade in the Book of Statutes, for which, the Commons of the Realm granted him the ninth penny: At so deer a rate were they forced to buy their own Rights, at the hands of him that was their servant, and had received his Crown and Dignity from them, and for them: But the People of England not being content with the confirmation of their Liberties, by his Deputies, presse him (at a Parl. at Westminster) the next year to the confirmation of their Charters, he pressing hard to have the Clause, *Salvo Jure Corox nostræ* put in, but the People would not endure it should be so: Yet with much adoe he confirms them, according to their mind, and that neither he, nor his heires, shall procure, or do any thing whereby the Liberties of the Great Charter contained, shall be infringed or broken; and if any thing be procured, by any person, contrary to the premises, it shall be held of no force, nor effect, And this cost them dear, as I said before.

So that here you have a true relation, of the begetting, the conception, and birth of *Magna Charta*, *The English-Mans Inheritance*; And how much blood and money it cost our fore-fathers before they could wring it out of the hands of their tyrannicall Kings; and yet alas, in my judgment, it falls far short of *Edward the Confessors Laws*, (for the ease, good, and quiet of the people) which the Conqueror robbed *England* of, for the *Norman* practices yet in *Westminster-Hall*, by reason of their tediousnesse, ambiguities, uncertainties, the entries in Latine, which is not our own Tongue, their forcing men to plead by Lawyers, and not permitting themselves to plead their own causes, their compelling of persons to come from all places of the Kingdom, to seek for Justice at *Westminster*, is such an *Iron Norman yoke*, with fangs and teeth in it (as *Lieutenant Colonell Lilburn* in his late printed Epistle to *Judge Reeves* calls it,) That if we were free in every particular else, that our hearts can think of; yet (as the same Author saith) were we slaves, by this alone, the burthen of which singly will pierce, & gaul our shoulders, & make us bow, & stoop even down to the ground, ready to be made a prey, not only by great men, but even by every cunning sharking knave.

Oh, therefore that our Honourable Parliament, according to their late Declaration, would for ever annihilate this Norman innovation, & reduce us back to that part of the antient frame of government in this Kingdome before the Conquerors dayes, That we may have all cases and differences decided in the County or Hundred where they are committed, or do arise, without any appeale but to a Parliament, And that they may monethly be judged by twelve men, of free, and honest condition, chosen by themselves, with their grave (or chiefe) Officer amongst them, and that they may swear to judge every mans cause aright, without feare, favour, or affection, upon a severe and strict penalty of those that shall do unjustly: And then farewell jangling Lawyers, the wild-fire-destroyers, and bane of all just, rationally, and right-governed Common-wealths, And for the facilitating of this work, and the prevention of frauds, I shall onely make use of *Mr. John Cookes* words (a Lawyer in *Grays-Inne*) in the 66. page of his late published Book, called, *A Vindication of the Professours, and Profession of the Law*, where he prescribes, *A ready remedy against Frauds*,
E which

which is, That there might be a publike office in every Countie to register all Leases made for any Land in that County, and also all conveyances whatsoever, and all charges upon the Lands, and all Bonds and Contracts of any value; for (saith he) It is a hard matter to find out Recognizances, Judgments, Extents, and other Charges, (and too chargable for the Subject) that so for 12. d. or some such small matter every man might know in whom the Interest of Land remains, and what incumbrances lie upon it, and every estate, or charge not entered there, to be void in Law. And that the Countie have the choosing of the Registers in their respective Counties once a yeare, upon a fixed day, and that they have plaine rules and limitations made by authority of Parliament, and severe penalties enacted for transgressing them.

But after his digression, let us return to *Mag. Charta*, whosoever readeth it (which every man may at large, at the beginning of the book of Statutes) shall find it an absolute Contract betwixt the Kings of *England*, and the People thereof, which, at their Coronations ever since, they take an Oath inviolable to observe; And we shall find in the dayes of this Prince, who is noted for one of the best that we have, that English-men understood themselves so well, that when the Pope endeavoured to meddle in a businesse betwixt the Scots and the Crown of *England*, there was letters sent from *Lincoln* at a Parliament, which did absolutely tell the Pope, that the King their Lord should in no sort undergo his Holiness judgement therein: Neither send his Procurators (as was required) about that businesse, whereby it may seeme that doubts were made of their Kings title, to the prejudice of the Crowne, the Royall Dignity, the Liberties, Customes, and Lawes of *England*, which by their oath and duty they were bound to observe, and would defend with their lives. Neither would they permit, (nor could) any usuall, unlawful, and detrimental proceeding (but that which is most observable, is in the next clause, viz.) nor suffer their King, if he would, to do, or any way to attempt the same, *Daniel fol. 199.*

After the warlike King, succeeded his Son *Edward the second* who was continually at variance with his people, although never any before him was received with greater love of the people then he (as saith *Daniel fol. 304.*) nor ever any that sooner lost it.

His

His very first actions discovered a head-strong wilfulnesse that was unconcealable, regarding no other company but the base Parasites of of the times, the head of which was Gaveston, which made his Nobles at Westminster, when he, and his Queen was to be crowned, to assemble together, and require him that Gaveston his darling might be removed from out of the Court and Kingdome, otherwise they purposed to hinder his Coronation at that time. Whereupon the King to avoid so great a disgrace, promises on his faith, to yeeld to what they desired in the next Parliament. And at the next Parliament the whole Assembly humbly besought the King, to advise and treat with his Nobles, (who then (it seemes) were abundantly honeste then these are now) concerning the state of the Kingdome, for the avoiding of imminent mischiefe, likely to ensue through the neglect of Government, and so far urged the matter, as the King consents therunto, and not only grants them liberty to draw into Articles what was requisite for the Kingdome, but takes his Oath to ratifie whatsoever they should conclude. Whereupon they elect certain choice men both of the Clergy, Nobility, and Commons, to compose those Articles: Which done, the Archbishop of Canterbury (lately recalled from exile with the rest of his Suffragans,) solemnly pronounced the Sentence of Excommunication (which then was a fearful thunder-bolt) against all such who should contradict those Articles, which were there publicly read before the Barons, and Commons of the Realme, in the presence of the King; Amongst which, the observation, and execution of Magna Charta is required, with all other ordinances necessary for the Church and Kingdome, and that as the said King had done, all strangers should be banished the Court, and Kingdome, and all ill Councillors removed. That the businesse of the State should be treated on, by the Councill of the Clergy and the Nobles. That the King should not begin any war, or go any way out of the Kingdom, without the common Councill of the same, Daniel fol. 205. Speed fol. 652. But this King, for his evill government breaking his Oaths and Contracts with his People, was therefore, by common consent in full Parliament, deposed. Which we shall have occasion by and by more fully to speak of, and the Bishop of Hereford as the mouth of those Messengers that were sent by the Parliament, the Body of the State, told him, that the Common-wealth had in Parliament elected his eldest Son, the Lord Edward, for King, and that he must resigne his

Diadem to him, or after the refusall, suffer them to elect such a person as themselves should judge to be most fit, and able to defend the Kingdome.

This Prince being crowned, raigned above 50. years, and hath the best commendation for Manhood and Justice of any Prince that went before him, or that followed after him; who yet notwithstanding, though he came in by election, and took the Oath at his Coronation, which his Father took before him, yet he sayled often in the performance of it; Of which the BBp. of Canterbury in an Epistle written to him when hee was in France, tells him home of it, in these words, *That it was the safety of Kings, and their Kingdoms, to use grave and wise Councillors, alleading many examples, out of holy Writ, of the flourishing happinesse of such as took that course, and their infelicity who followed the contrary.* Then wills him to remember how his Father (led by evill Councell) vexed the Kingdome, putting to death, contrary to the Law of the Land, divers of the Nobility, and wished him to consider what hapned thereby unto him. Also, to call to mind, how himself at first, through evill Councell about him, had almost lost the hearts of his people. But afterwards by the great circumspection, and care of his Prelates and Nobles, his affaires were reduced into so good order, as he recovered them, and is reputed the noblest Prince in Christendome; But now again, at present, though the wicked Councell of such as effect their own profit, more then his honour, or the welfare of his People; he had caused Clergy-men, and others, to be arrested, and held in prison by undue proceeding, without being indicted or convicted, contrary to the Laws of England (which (he saith) he was bound by his Oath at his Coronation to observe, and against Magna Charta, which whosoever shall presume to infringe, are to be by the Prelates excommunicate, so that hereby he incurred no small detriment to his Soule, and to the State, and his Honour, which he doubted (if he proceeded in it) would loose both the hearts of the people, and their ayd, and helpe, Daniel Foile 229. 230. For which the King sharply according to his prerogative power reproveth him; But shortly after, the King found much to doe in the Parliament held at London, being earnestly petitioned by the whole Assembly, that the great Charter of Liberties, and the Charter of Forrests might be duly observed, and that whosoever of the Kings Officers infringed the same should loose their place: That the high Officers

cers of the Kingdome should as in former times, * be elected * *Read by Parliament*; But the King stood stiff upon his prerogative, *Daniel*, but yet yeelded that these Officers should receive an Oath in Par-*fol. 149.* liament to do justice unto all men in their Offices, and thereupon a Statute was made and confirmed with the Kings Seal; both for that and many other Grants of his, to the Subjects, which notwithstanding were, for the most part, presently after revoked, *Daniel fol. 231.* (But forasmuch as) About this time (in the *Statute-Bookes at large, fol. 144.* I find) was an excellent Oath made in the 18. of *Edw. 3. Anno 1344.* intituled, *The Oath of the Justices.*

I conceive it may be worth the reading, and therefore it is not unnecessary here to insert it, which thus followeth:

YE shall swear that well and lawfully, ye shall serve our Lord the King, and his People in the Office of Justice, and that lawfully ye shall counsell the King in his businesse, And that ye shall not counsell nor assent to any thing, which may turn him in damage, or disherison by any manner, way, or colour; And that ye shall not know the damage, or disherison of him, Whereof ye shall not cause him to be warned by your self, or by others, and that ye shall do equall Law, and execution of right to all his Subjects rich and poore, without having regard to any person. And that you take not, by your self, or by other, privately nor apertly, gift nor regard of gold nor silver, nor of any other thing, which may turn to your profit, unlesse it be meat or drinke, and that of small value of any man that shall have any plea, or processe hanging before you, as long as the same processe shall be so hanging, nor after for the same cause, And that ye take no Fee, as long as ye shall be Justice, nor Robes of any man great or small, but of the King himself: And that ye give none advice nor counsell to no man great nor small, in no case where the King is party. And in case that any of What estate or condition they be, come before you in your Sessions, with force and arms, or otherwise against the peace, or against the form of the Statute thereof, made (*Stat 2. E. 3. 3.*) to disturb execution of the Common-Law, or to menace the people, that they may not pursue the Law; that ye shall cause their bodies to be arrested, and put in prison: And in case they be such, that ye cannot arrest them, that ye certifie the King of their names, and of their misprision hastily, so that he may thereof ordain a convenient remedy.

And that ye by your selfe, nor by others, privily nor apertly maintain any plea or quarrell hanging in the Kings Court, or else-where in the Country. And that ye deny to no man common right, by the Kings Letters, nor none other mans, nor for none other cause: & in case any Letters come to you, contrary to the Law, that ye do nothing by such Letters, but certifie the King thereof, and proceed to execute the Law, notwithstanding the same Letters. And that ye shall do and procure the profit of the King and his Crown, with all things where you may reasonably do the same. And in case ye be from henceforth found in default, in any of the points aforesaid; ye shall be at the Kings Will, of Body, Lands, and Goods, thereof to be done, as shall please him; As God you helpe, and all Saints.

But now in regard we shall for brevities sake, but only touch at Richard the second, who for his evill government was Articled against in Parliament, *Martine fol. 156, 157, 158, 159, 160. Speed fol. 742.* The substance of which, in Speeds words were: First, in the front was placed his abuse of the publike treasure, and unworthy waste of the Crown-Land, whereby he grew intollerable grievous to the Subjects, The particular causes of the Dukes of Gloucester and Lancaster, the Arch-Bishop of Canterbury, the Earle of Arundel, filled sundry Articles: They charged him in the rest with dissimulation, falshood, losse of honour abroad in the world, extortions, rapine, deniall of Justice, rasures and embezelling of records, dishonourable shifts, wicked Axiomes of State, cruelty, covetousnesse, subordinations, lasciviousnesse, treason to the rights of the Crown, perjuries, and briefly, with all sorts of unkingly vices, and with absolute tyrannie. Upon which it was concluded, That he had broken his Contract made with the Kingdome, or the Oath of Empire, taken at his Coronation, and adjudged by all the States in Parliament, That it was sufficient cause to depose him, and then the diffinitive sentence was passed upon him. And wee shall wholly passe over Henry the 4. 5. and 6. Edward 4. and 5. Richard 3. Hen. 7. and 8. and shall come down to King Charles, and not mention the particular miseries, blood-sheds, cruelties, treason, tyrannies, and all manner of miseries that the free-born people of this Kingdome underwent, in all or most of their wicked raings, especially in the Barons warres; In which time, the Inhabitants
of

of England had neither life, liberty, nor estates, that they could call their own, there having been ten Battels of note fought in the Bowels of this Kingdome, in two of their Raigns only, viz. Hen. 6. and Edw. th 4. In one of which Battels there was 37. thousand English slain, *Martine fol 393, 394 & 395.*

I say we will passe by all these, and give you the Copy of the Oath, that King Edward 2. and King Edward the 3. (by authority of Parliament) took, and which all the Kings and Queens of England since to this day, at their Coronation either took, or ought to have taken, never having (by authority of Parliament) been altered since that I could hear of, by which it will cleerly appeare, that the Kings of England receive their Kingdoms conditionally; The true Copy of which, as I find it in this Parliaments Declaration, made in reply to the Kings Declaration, or answer to their Remonstrance, dated 26. May 1642. and set down in the Booke of Declarations, page 713.

SIR, Will you grant and keep, and by your Oath confirm unto the People of England, the Lawes and Customes granted to them by antient Kings of England, rightfull men, and debout to God, and namely the Lawes and Customes and Franchises granted to the Clergie, and to the People, by the glorious King Edward to your power?

Sir, Yee keepe to God, and to Holy Church, to the Clergie, and to the People Peace, and accord wholly after your power?

Sir, Yee do to be kept in all your Domes and Judgements, true and even Righteousnesse, with Mercie and Truth.

The King shall answer. I shall doe it.

Sir, Will you grant, defend, fulfill all rightfull Lawes and Customes, the which the COMMONS
of

of Your Realme shall choose, and shall strengthen and maintain them to the worship of GOD, after Your power.

The King shall answer, I grant, and beight.

And then the Arch-Bishop of Canterbury at the time of the Coronation goes, or should goe, to the four sides of the Scaffold, where the King is crowned, and declares, and relates to all the People, how that Our Lord the King had taken the said Oath, enquiring of the same people, If they would consent to have him their King, and Liege Lord, to obey him as their King and Liege Lord, who with one accord consented thereunto.

Now, let all the World be judge whether the Kings of England receive their Kingdoms by contract, yea, or no.

And if they do receive them by contract, as is already undeniably proved before ; Then what becomes of that wicked and tyrannicall Maxime, avowed by King Charles (immediatly after his Answer to the Petition of Right, Book Statutes, fol. 1434.) viz. That he did owe an account of his actions to none but GOD alone; And of that erroneous Maxime, mentioned in Book Declaration, pag. 266. viz. That Kingdoms are Kings own, and that they may do with them what they will, as if Kingdoms were for them, and not they for their Kingdoms.

But if any man shall object and say, that King Henry the 8. with his own hands altered this Oath; and therefore it is not the same Oath which King Charles hath taken.

To which, I answer and say, The Parliament in their Declaration grants, that King Hen. the 8. &c. altered it ; but they also say pag. 712. They do conceive that neither he, nor any other, had power to alter it, without an Act of Parliament. And in pag. 708. 709. They say, They well know what Kings have done in this point: But we know also (say they) that what they have done is no good rule alwayes, to interpret what they ought to have done; for, that they are bound to the observation of Lawes by their Oath, is out of question, and yet the contrary practised

practised by them, will appear in all ages, as often. But to put this out of doubt, whosoever reades the Oath taken by this King, which he himself sets down in his Declaration, (Book Declar. pag. 290, 291.) will find no material difference betwixt that which hee took, and that which he ought to have taken, saving in that clause of passing *New Lawes*: But there is enough in that he tooke to prove my assertion, *viz.* That he received his Crown by a Contract, which further to prove, I alledge the *Petition of Right*, which whosoever seriously readeth with his Answer to it, shall finde it to be a large and absolute Declaration of a contracted duty betwixt him, and his people, *viz.* *That it was his duty to govern them by Law, and not by his Prerogative Will,* And when his first answer to their Petition did not please the Parliament, they pressed him again, out of *Right*, to give a satisfactory one: Which he, out of *Duty* doth, saying, *Let right be done, as is desired*: So that this is a clear demonstration, and enough to prove that there is not only a bare Contract betwixt the King and the People, but also that he is bound by duty to grant such Lawes, as they shall rationally choose, although there were no such Statute, as the 25. of *Edward* the 3. which they mention in pag. 268, nor no such clauses as they speak of, pag. 706, 707, 714. In the Records of 1 R. 2. Num: 44. and R. 2. Num: 34. and 40.

Again, it will clearly appear, that there is a contract betwixt the King & his People; yea, and such a one, as ties up all his public official actions to be according unto Law, and not according to the rule of his own Will, if we seriously weigh but the Lawes made, and past this present Parliament; but especially that for abolishing the Star-Chamber, and regulating the Councell-Table, the Act for abolishing the high Commission Court, two Acts for the levying and pressing Souldiers and Marriners; and an Act declaring unlawfull and void the late proceedings touching Ship-money, And an Act for preventing vexatious proceedings, touching the order of Knight-hood. And an Act for the free bringing in, and free making of Gun-powder.

But if all this will not serve, let us a little further consider what the Parliament saith, who are the States representative of all the individuals of the State universall of *England*, Book Declar. pag. 171. 264. 336. 508. 613. 628. 654. 655. 703. 705. 711. 724. 725. 726. 728. 729. 730. F And

And therefore are the highest, supreamest, and greatest Court, Councell, and Judge of this Kingdome, pag. 141, 143, 197, 207, 213, 271, 272, 278, 280, 281, 303, 457, 693, 703, 704, 711, 718, 725.

And who may justly be called the legall Conservators of *Englands* Liberties, 281, 277, 282, 264, 496, 587, 588, 617, 693, 698.

Yea the legall and publike eyes and heart of *Englands* Politike Body, pag. 213, 278, 340, 690.

Of whom a dishonourable thing ought not to be conceived of them, pag. 281, 654. much lesse to be acted or done by them, pag. 150.

And they say pag. 266. That the King hath not that right to the Towns and Forts in *England*, which the people in generall have to their estates, the Towns being no more the Kings own, then the Kingdome is his own: And his Kingdome is no more his own, then his people are his own; And if the King had a propriety in all his Towns, what would become of the Subjects propriety in their houses therein! And if he had a propriety in his Kingdom, what would become of the Subjects propriety in their Lands throughout the Kingdom, or of their Liberties, if his Majestie had the same right in their persons, that every Subject hath in their Lands or Goods, and what should become of all the Subjects Interests in the Towns and Forts in the Kingdome, and in the Kingdom it self, if his Majestie might sell them, or give them away, or dispose of them at pleasure, as a particular man may do with his Lands and his Goods; This erroneous Maxime being infused in o Princes, that their Kingdoms are their owne, and that they may do with them what they will (as if their Kingdoms were for them, and not they for their Kingdoms) is the root of all the Subjects misery, and of the invading of their just Rights and Liberties, whereas indeed they are only intrusted with their Kingdoms, and with their Towns, and with their People, and with the publike Treasure of the Common-wealth, and whatsoever is bought therewith; And by the known Law of this Kingdom the very Jewels of the Crown are not the Kings proper Goods, but are only intrusted to him for the use and ornament thereof.

As the Towns, Forts, Treasure, Magazine, Offices, and the People of the Kingdome, and the whole Kingdome it self is intrusted unto him, for the good, and safety, and best advantage thereof.

And as this Trust is for the use of the Kingdom, so ought it to be managed by the advice of the Houses of Parliament, whom the Kingdom hath trusted for that purpose, it being their duty to see it discharged, according to the condition and true intent thereof, and as much as in them lies, by all possible meanes to hinder the contrary; and therefore say they, pag. 276. by the Statute of 25. Ed. 3. It is a levying of warre against the King, when it is against his Lawes and Authority, though it be not immediatly against his Person, And the levying of Force against his Personall Commands, though accompanied with his presence, if it be not against his Lawes and Authority, but in the maintainance thereof, is no levying of warre against the King, but for him; for there is a great difference betwixt the King, as King, and the King, as Charles Stuart, And therefore say the Parliament, pag. 279. That Treason which is against the Kingdome, is more against the King, then that which is against his Person, because he is King: for that very Treason, is not Treason as it is against him as a man, but as a man that is a King, and as he hath relation to the Kingdome, and stands as a Person intrusted with the Kingdome, discharging that Trust.

And therefore page 722. that Alexander Archbishop of Yorke, Rob. Delleer Duke of Ireland, Trisilian L. chief Justice, & the rest in the time of Richard the 2. were guilty of Treason, (and so adjudged by two Acts of Parliament, viz. 11. R. 2. 1. 2. and 1. H. 4. 3. and 4. which to this day are both in force) for levying Forces against the Authority of Parliament, and to put to death divers principall members of both Houses, although they had the Kings expresse Command to do it, and the promise of his presence to accompany them; which yet, for all that, neither would, nor did save their lives, in regard, as they say, page 723. It is a known rule in Law, that the Kings illegall Commands, though accompanied with his presence, do not excuse these that obey him; & therefore if the Kingdom be in danger, and the King wil not hearken to the Parliament in those things that are necessary for the preservation of the peace, and safety of the Kingdome: Shall they stand and

look on, whilest the Kingdome runs to evident ruine and destruction? No (page 726) for safety and preservation is just in every individuall or particular, page 44. 150. 207. 382. 466. 496. 637. 690. 722. much more in the Parliament, who are the great and supream legall Councell, from whom there is no legall appeale, as is before declared.

Yea, and in their Declaration of the 19. of May, 1642. page 207. they tell us, that this Law is as old as the Kingdome, viz. That the Kingdom must not be without a meanes to preserve it selfe, which, that it might be done without confusion (say they) this Nation hath entrusted certain hands with a power, to provide in an orderly and regular way for the good and safety of the whole, which power by the constitution of this Kingdome, is in his Majesty, and in his Parliament together.

Yet since the Prince being but one person, is more subject to accidents of nature and chance, whereby the Common-wealth may be deprived of the fruit of that Trust which was in part reposed in him, in cases of such necessity, that the Kingdome may not be inforced presently to return to its first principall, and every man left to do what is aright in his own eyes, without either guide or rule, the wisdome of this State hath intrusted the Parliament with a power to supply what shall bee wanting on the part of the Prince, as is evident by the constant custome and practice thereof, in cases of nonage, *naturall disability and captivity*, and the like reason doth and must hold for the exercise of the same power, in such cases where the *Royall Trust* cannot bee, or is not discharged, and that the Kingdome runs an evident and eminent danger thereby; which danger, having been declared by the *Lords and Commons in Parliament*, there needs not the authority of any person or Court to affirme, nor is it in the power of any person or Court to revoke that judgment (for as they well say in their Declaration of the 26. of May, 1642. page 281.) it is not agreeable to *reason or conscience*, that it should be otherwise, seeing men should be put upon an impossibility of knowing their duty, if the Judgment of the highest Court should not be a rule and guide to them.

And if the Judgment therefore should be followed, where the question is, who is King, (as before in that Declaration, they have proved

proved it ought) much more, *what is the best service of the King and Kingdome*, and therefore those that shall guide themselves by the judgment of *Parliament*, ought, what ever happen, to be secure, and free from all account and penalties upon the grounds, and equity of this very Statute of 11. *Hen. 7. Chap. 1.*

And again, page 697. (they say, very rationally,) There must be a Judge of the question wherein the safety of the Kingdome depends (for it must not lie undetermined.) And if then there be not an agreement betwixt his Majesty and the Parliament, either his Majesty must be Judge against his Parliament, or the Parliament without his Majesty: It is unsound and irrational to give it to his Majestie, who out of the Courts is not Judge of the least dammage, or trespasse done to the least of his Subjects, but the Parliament is the Representative Body of the whole Kingdome, and therefore the absolute proper and legall Judge. Besides, If his Majesty (in the difference of Opinions) should be Judge, he should be Judge in his own case, but the Parliament should be Judges between his Majesty and the Kingdome: And if his Majesty should be Judge, hee should be Judge out of his Courts; yea, and against his highest Court, which he never is (nor can be) but the Parliament should only judge, without his Majesties personall consent, which as a Court of Judicature it alwayes doth, and all other Courts as well as it.

Therefore if the King be for the Kingdome, and not the Kingdome for the King; And if the Kingdome best knowes what is for its own good and preservation, and the Parliament be the Representative Body of the Kingdome; It is easie to judge who in this case should be Judge, And therefore the Parliament are bound in duty to those that trust them, to see that the king dispose aright of his trust, being that right that the King hath as King, in the things he enjoyes, is of a different nature, and for different ends, to the right of propriety which a particular man hath in his Goods and Lands, &c. That of propriety is a right of propriety, which a particular man may dispose of, as hee pleaseth according to his own discretion for his own advantage, so it bee not contrary to the publike good; but the right of the King is only a right of trust, which he is to manage in such wayes, and by such Councels as the Law doth direct, and only for the publike

like good, and not to his private advantages, nor to the prejudice of any mans particular Interests, much lesse of the Publike, page 700. And therefore (say they) page 687. *The King hath not the like liberty in disposing of his own person, or of the persons of his children (in respect of the Interest the Kingdome hath in them) as a private man may have.*

But if it shall be objected, that the Parliament, the representative of the Kingdome, are not to intermeddle in the managing of his Majesties trust, because of the Oaths that they have taken, wherein they swear, that *His Majesty is supreame Head and Governour over all persons, and over all causes within his Dominions*, to which I shal return partly their own answer, p. 703. That notwithstanding this, they are bound to see it managed, according to the true intent & condition thereof; (for no man doth nor can give a power to destroy himself) and therefore say they, *If we should say the King hath in the Government of his People, Superiours, to wit, the Law (by which he is made) and his Courts, &c. It were no new Doctrine: We have an antient Author for it, viz. Fleta Book I. Chap. 17. of substituting of Judges.*

If we should say the King is the single greatest, but lesse then the whole, it were no new learning (it being an undeniable rule in reason, that they that make a thing are alwayes greater then the thing made by them) and certainly this of supreame Head and Governour over all persons in all causes, as it is meant singular (or single) persons rather then of Courts, or of the Body collective, of the whole Kingdome, so it is meant (in curia non in camera) in his Courts, that his Majesty is supreame Head and Governour over all persons, in all causes, and not in his private capacity, and to speak properly, It is only in his High Court of Parliament, wherein, and wherewith his Majesty hath absolutely the supream power, and consequently is absolutely supreame Head and Governour, from whom there is no Appeale. And if the High Court of Parliament may take an account of what is done, by his Majesty, in his inferiour Courts, much more of what is done by him, without the Authority of any Courts; And for my part, say, that though the King be the Supream Officer, which is all, and the most he is; yet he is not the supreame Power: for the absolute Supream Power is the People in generall, made up of every individuall, and the legall and formall supream Power is only

ly their Commissioners, their collective or representative Body, chosen by them, and assembled in Parliament, to whom the King is and ought to give an account both of his Office and Actions; yea, and to receive rules, directions, and limitations from them, and by them.

And although *King John* the 7. from *William* the Rogue, alias the chiefe Robber, or Conquerour, was so Atheistically, and impiously wicked, as to give away his kingdome of *England* unto the Pope (as is before declared *) which was none of his owne to give, or dispose of, either to him or any other whatsoever, which the people that lived in those dayes very well knew and understood, and therefore (as *Speed* in his *Chronicles* records, fol. 565. in a generall Parliament held in or about the year, 1214. The Prelates, Lords, and Commons, severally and joynly enacted, That forsomuch as neither *King John*, nor any other King, could bring his Realme and People to such thraldome, but by common consent of Parliament (which was never done) and that in so doing, he did against his Oath at his Coronation; besides many other canses of just exception; If therefore the Pope thence forwards should attempt any thing therein, the King with all his Subjects should with all their forces and powers resist the same, and rather hazzard all their lives and livelihood, then endure his usurpation. * pag.

But if any man should so dote upon those Pageants, Tyrants, Kings, the supposed and pretended annointed of the Lord, as yet not to think it sufficient to prove that not onely the present King *Charles*, his own acknowledgment and confession will be of force sufficient to pull all Scales of blindness from their eyes, and all hardness and unbelievingness of heart, from their hearts; His own words in his answer to the House of Commons first Remonstrance, Book Declar. pag. 25. are these.

We have thought it very suitable to the duty of Our place, and pag. 29. and We (saith he) doubt not it will be the most acceptable Declaration a King can make to his Subjects, that for Our part We are resolved duly not only to observe the Lawes Our Self, but to maintain them against what opposition soever, though with the hazard of Our Being: and a little below We acknowledge it a high-crime (saith he) against Almighty God, and inexcusable to Our good Subjects of Our three kingdomes

Kingdomes, if We did not to the utmost imploy all Our power, and faculties, to the speediest and most effectuall assistance and protection of that distressed people of Ireland.

And in his Message, 28 April, 1642. page 157. speaking of the Militia, he saith, *We conceive it prejudiciall to Our Self, or inconvenient for Our Subjects, for Whom We are trusted, and page 167. Himself saith, That if the Prerogative of the King over-whelme the Liberty of the People, it will be turned to tyrannie. And he himself (page 284.) defines tyrannie to be nothing else, but to admit no rule to govern by a mans own Will.*

But above all the rest, remarkable is his own confession, in his answer to the Parliaments Declaration of the 19. May, 1642. where (in page 152.) He honestly and plainly acknowledgeth that He is to give an account of his Office, not only to God, but also to his other Kingdoms.

But as the Parliament saith page 701. *This is a strange Paradox, that his Majesty by his own Confession owes an account to his other Kingdomes of his Office and Dignity of a King in this kingdome it self, where he resides, and hath his being and subsistence.*

And in page 311. *He acknowledgeth God hath entrusted Him with his regallity for the good of his People; and if it be for their good, then not for their mischief and destruction; but God hath entrusted him, and how is that? The truth is, God is no more the Author of Regall, then of Aristocratical power, nor of Supream, then of Subordinate Command. Nay, that Dominion which is usurped, and not just, whilest it remains Dominion, and till it be legally again divested, refers to God as its Author and Donor, as much as that which is Hereditary (and permissively from God, and not approbationally instituted, or appointed by him,) And that Law which the King mentioneth, is not to be understood to bee any speciall Ordinance, sent from Heaven by the Ministry of Angels, or Prophets, (as amongst the Jewes it sometimes was.) It can be nothing else amongst Christians, but the actions and agreements of such and such politike Corporations.*

Power is originally inherent in the People, and it is nothing else but that might and vigour, which such and such a Society of men contains in it self, and when by such and such a Law of common consent and agreement, it is derived into such and such hands

hands, God confirms the Law : And so man is the free and voluntary author, the Law is the instrument, and God is the establisher of both (as the observator in the first page of the first part of his most excellent observations, doth observe) And though Kings make a huge matter of that saying of God, by me Kings Raigne : as though there were some superlative naturall, inbred, inherent deity, or excellency in Kings above other men; y^t we may say, and that truly : That by God all mankind lives, moves, and have their being, yea, and raignes, and governs as much by God (in their inferior orbs (of Cities, hundreds, wapentakes, and families) as well as Kings in their Kingdoms, yea, though God himf-^{se} in an extraordinary, and immediate manner, chose and appointed Saul, David, and Solomon, to be Kings of Israel;

Yer so just was the righteous God, that he would not impose them upon the people of *Israel* against their owne wills, and mindes, neither did they rule as Kings, till by the common consent of the people, they chose them, and appointed them to raigne over them. 1 *Sam.* 10. 20. 24. 2 *Sam.* 2. 24. and Chap. 5. 1. 2. and 3. and 1 *Kings* 38. 39. 40. So that their authority did originally as inherently flow from the people, as well as their speciall assignation from God; and they were to rule and govern them by the Law of God, (and not by the rule and Law of their own will) unto which Law they were to be as obedient and subject, as the meanest of the people : yea, and as lyable to punishment, and to have their transgressions layd to their charge : As Lieutenant Collonel *Lilburne* hath notably and fully proved in his late printed Epistle to Judge *Reves*, p. g.

These things rightly considered doth condemn those two maxims, for wicked, ungodly, and tyrannicall, which are layd downe so in the booke of Declarations : pag 199. 3. 4 viz. That the King can do no wrong, The second is, that the King is the fountaine of justice.

But to returne againe to the Kings own word, he saith pag. 313 We were unworthy the trust reposed in us by the Law, and of our descent from so many great and famous Ancestors; if we could be brought to abandon that power, which onely can enable us to performe what we are sworne to in protecting our people and the Lawes. What can be said more plaine then this, to prove him an Officer of duty & Trust?

Trust? But seeing he speaks of his Ancestors; Let me tell him, that if he had no better title to his Crown, then to claime it his by a kind of *Divine Right* from his *Progenitors*, and because he is the next Heire to King *James*; It would be by *Scripture* a very weak title.

We find in *Scripture*, that *Salomon* a younger Son, &c. was made King, principally because of his finesse to govern, when divers of his elder brethren went without the Crown, And if any in the world might have pleaded the priviledges of being next heire, *Dauids* Sons, and Sons Sons might, in regard of that large promise that was made to *David*, that his Sons should sit upon the Regall Throne for many Generations.

Again, the King page 443. engages to maintain the Priviledges of Parliament, as far as ever any of his Predecessours did, and as farre as may stand with that Justice which he owes to his Crown, which, what that is, I have before declared, and is very fully declared in that Oath which he himself hath taken, page 291. although it fall, and is very short of that he ought by law and right to take; so that now I have fully proved, I am confident of it, without any starting hole left for contradiction; That the King receives his Crown by contract and agreement unto which by Law and Right he is bound and tied. I thought to have here inserted some excellent passages for the further illustration of the Position out of the first and second parts of the *Observations*, and a late Book, called *Maximes unfolded*: But in regard I have (I am afraid) been over-tedious already; I will refer you to the bookes themselves, or (in case they be hard to come by) to that abridgment of the marrow of them, which you shall finde in an excellent and rationall Discourse of Mr. *Lilburns*, against those Vipers and grand Enemies to the Liberties of England, the monopolizing Merchants, in his Book, called *Innocencie and Truth justified*, page 57, 58, 59, 60, 61.

I come now to the last branch of the minor Proposition, which is

THAT KING CHARLES HATH BROKEN HIS
CONTRACT AND AGREEMENT.

And for the proote of this, I must lay downe this assertion.

That

That the *Parliament* is the *only, proper, competent, legall, supreme Judge* of this, as well as of all other the *Great Affaires* of the Kingdom, as is before largely proved: And for further illustration, reade *Book Declar.* pag. 100, 112, 171, 172, 170, 202, 693, 716.

Now in the next place, let us consider what the *Parliament* in their publike Declaration say of the King, who confesses himself, as well as the *Parliament*; asserts and proves it, that *his Oath taken at his Coronation* ties him, to *raigne and govern according to Law*. Yet whosoever seriously reades over the first Petition, and remonstrance of the *State representative of England*, commonly called the *House of Commons*, who onely and alone have and ought to have that title. Pag. 264. 336. 508. 613. 628. 654. 655. 703. 705. 711. 724. 725. 726. 728. 729. 730.

The *House of Peers* being meer usurpers and inchroachers, and were never intrusted by the people, (who under God the fountaine, and Well-spring of all just power) as well legislative as other, with any legislative power, who meerly sit by the Kings prerogative, which is a meer bable, and shaddow, and in truth, in substance is nothing at all, there being no Law-making-power in himselfe, but meerly, and onely at the most, a Law-executing-power, who by his *Coronation Oath*, that he hath taken, or ought to have taken, is bound to passe and assent to all such Lawes, as his people or *Commons* shall chuse, as is largely (by the forecited Declarations of the *Parliament*) proved. Now if he have not a legislative power in himselfe, as the Lords themselves (by joyning with the *Commons* in their Votes and Declarations) do truly confesse, and notably prove; how is it possible for him to give that to them which is not inherent in himselfe? Or how can they without palpable usurpation, claime and exercise a Law-making-power, derivatively from the King alone when he hath none in himselfe? which they themselves confesse, and prove: wherefore, how can the *House of Commons* the representative body of England, without willfull perjury, having so often sworne to maintaine the Liberties of England, and without being notoriously guilty of Treason to themselves and others, and all those that chuse them, and trusted them; suffer the Lords to continue in their execution of their usurpations?

many times to the palpable hazard, yea, almost utter ruin of the Kingdome, by their denial, thwarting and crossing of those things that evidently tends to the preservation of the whole Kingdome, and by their pretended legislative power, destroy whole families, and fill the Jayles of *London* at their pleasure, (contrary to Law and right) with *COMMONS* (with whom they have nothing to do) without being controlled by the Trustees of the people, the *HOUSE* of *COMMONS*, although they be legally appealed to for that end (witness Mr. *Lilburne*) Mr. *Staveley* prisoner in the *Fleete*, Mr. *Learner* for himselfe and servants, Mr. *Overton*, &c.) to their everlasting shame, and disgrace be it spoken; On therefore awake, awake, and arise with strength and resolution, ye chosen and betruſted ones of *England*, the earthly arme & strength thereof, and free your *Masters* and *betruſters* the whole *State* of *England* from these invading, usurping, *Tyrannicall Lords*, *Bondage*, and *Thraldoms*, lest to your shame they do it themselves, and serve them as they did the *Bishops*; for preservation your selves say is just, Pag. 44. 150. 207. 496. 637. 722. 226.) and is as antient a Law as any is in the Kingdome, Pag. 207. And you have also the 17. *Aprill* last, declared, that you will suffer no arbitrary tyrannicall power to be exercised over the freemen of *England*, but the *Lords* do it, therefore if ye be true, and just men, such who would be believed and trusted, do as you say; before the *Lords* by their plots with the enemies of the freedoms of *England* (such as wicked *English* and *Scots Lords*, and other prerogative *Courtiers*, and corrupt *Clergy*, and patentee *Monopolizers*, and contentious wrangling jangling, and petty fogging *Lawyers*) and by their own impudent and uncontroled injustice; imbroyle this Kingdome in a second warre, they and their associates, and confederates having been the cause of the by-past warres, not for any love to the Liberties of *England* though that was their pretence, but meerly out of malice to the reigning and ruling party at Court, whose utmost desire was to unhorne them, that so they might get up into the saddle, and ride & raigne, and rule like *Tyrants* themselves, they loving (at this very day) the *King-Prerogative Tyranny*, and *oppression* as dearly as any of those at Court

Court, which they complained of, witness their dayly actions, and the actions of all their fore-mentioned faction, which is lively characterised in a late Discourse, called [*A Remonstrance of many thousand Citizens, and other Free-born People of England, to their owne House of Commons*] and will more fully be laid open shortly in the second part of it.

But if the Lords think they are wronged by this digression, and that their right to their *Legislative power* is better then is here declared;

I desire their Lordships, or any other for them, to let the *Kingdom* know, what better right they have to sit in *Parliament*, then the old *Popish Abbots* had, that are long since, as *Incrochers*, abolished; Or then the *Bishops*, or the *Popish Lords*, that are lately defunct, do. Sure I am, the right they had, was as good as any their *Lordships* have. flowing from one and the same fountain with them; namely the *Kings will and pleasure*, commonly called, *The Kings Prerogative*, demonstrated by his *Letters Pattents*, which in such a case is not worth a button as is clear by the Law, and the very principles of Reason, and that the *Lordly Prerogative* honour it self that they enjoy from the King (which was never given them by *common consent*, as all right, and just honour, and power, ought to be) is a meer boon and gratuity, given them by the *King*, for the helping him to enslave and envasalise the People, and from their Predecessors whom *William the Conqueror*, alias, *the Thiefe and Tyrant*; made *Dukes, Earles, and Barons*, for helping him to subdue, and enslave the free Nation of *England*, and gave them by the Law of this own will, the estate of the *Inhabitants* the right owners thereof, to maintain the Grandeur of their *Tyranny, and Prerogative Peerage*; And therefore their Creator the King doth in his *Dce. p. 324* ingeniously declare, *that their title to their legislative power is only by bloud*, And if so, then not by *common consent* or choyce of the People, the onely and alone Fountain of all just power on earth, and therefore void, & null, and at the best but a meer fixion and usurpation, and the greatest or best stile they gave themselves in their joynt Declaration with the House of Commors, page 508 is, That the House of Peers are the Hereditary Councillors of the Kingdome, and what right they have thereby to make the People Lawes, I know not (neither is it declared there, by what right they came by their Hereditary

Councillorship : Nor yet is it there declared what it is ; So that I understand not what they mean by it, which I desire them to explaine ; for sure I am, it is a maxime in Nature and Reason, That no man can be concluded but by his own consent, and that it is absolute Tyranny, for any what (or whom)-soever, to impose a Law upon a People, that were never chosen nor betruſted by them to make them Lawes ; But in that *Declaration* in the next line, The chosen and betruſted Houſe of Commons (the only & alone Law-makers of *England*, the King and Lords consent to their Votes, Lawes and Ordinances, being but in truth a meer Ceremony, and usurped formality, and in the strength of Law, (which juſtly is nothing else then pure reason, neither addes strength unto them, nor detracts power from them) is royally, truly, and majesterially ſtiled and called, the representative Body of the whole Commons of the Kingdome, and ſo are in abundance of other places, before cited. Yea and whoſoever ſeriously reades, and conſiders the third Poſition, laid down, page 726. and laid down in the name of the *Parliament*; ſhall ſee indeed, and in truth, the power of the Lords wholly caſhiered: their words are theſe, *That we did, and do ſay, that a Parliament may diſpoſe of any thing, wherein the King or any Subject hath a right in ſuch a way as that the Kingdome may not be in danger thereby, and that if the King being humbly ſought unto by his Parliament, ſhall reſuſe to joyn with them in ſuch caſes, the Representative Body of the Kingdome (that is to ſay, the Houſe of Commons alone, the Lords representing no Body, but themſelves, and their Ladies, neither challenge they any ſuch title, but call themſelves meerly Hereditary Councillours)* is not to ſit ſtill, and ſee the Kingdome periſh before their eyes, and of this danger they are judges, and judges ſuperiour to all others (I beſeech you mark it well) that legally have any power of judicature within this Kingdome. Where are you my Lords ? And what ſay you to this, your own ingenious confeſſion ? For yours it is, for any thing I know to the contrary, unleſſe you were all aſleep when you paſt it.

Nay, further (*My Lords*) If the Representative Body bee the *Parliament*, as is here confeſſed and averred, and that Representative Body be the *Houſe of Commons*, and none elſe, as before is proved, and the *Houſe of Commons*, or Representative Body be the *Parliament*, as here they are called ; then (*My Lords*) what ſay you

to that inference from hence drawn, and naturally flowing and arising from the premises, and proved by your first Position, laid down in the fore-cited page, 726. which is, *That the Parliament hath a power in declaring Law, in particular cases in question before them*, and that which is so declared by the High Court of Parliament, being the highest Court of Judicature, ought not afterwards to be questioned by his Majesty, or any of his Subjects, for that there lyeth no Appeal from them, to any Person or Court whatsoever; so that the right and safety both of King and People, shal depend upon the *Law*, and the *Law* for its interpretation upon the Courts of Justice, which are the competent Judges thereof, and not upon the pleasure and interpretation of private persons, or of Public-like, in a private capacity. *Good-night (my Lords)* unlesse you will make a little more buzzing, and so make the stink a little more hot in the Nestrils of all men that have the use of their senses, before your snuffe go cleer out, the which if you do, it will (I am confident) but cause it to go out with a witnessle.

And therefore look to it, and remember the *Star-Chamber*, the *Councill-Table*, and *High Commission*: Where are they all? but in the grave of reproach, contumely, disgrace, and shame. And give me leave to tell you of the common Proverb now abroad, of *Canterbury*, and *Strafford*, That if in the dayes of their prosperity (which were as high and great as yours are, or ever were) they had thought they should have beene pulled down by the common People (whom they strongly laboured to enslave) and by their unwearied cryes to the eares of *Englands supream Judges* for Justice, were justly by them condemned to the block, and lost their *Wicked Lordly Heads*, in the presence of many of those that they had tyrannized over; they would have been more moderate, just, and righteous, in their generations then they were.

Apply it (*my Lord:s*) and remember Mr. *Lilburn*, &c. and the tyrannie you have exercised upon him, for many weekes together, both in *Newgate*, and the *Tower of London*, in locking him up close prisoner, without the use of Pen, Ink, or Paper, and not suffering his friends, nor wife (that singular comfort and help that the wise God provided for poor fraile man) to set her foot within his Chamber door, for about three Weekes together, nor she, nor any of his friends to deliver to his hands (though in the presence of his Keeper)

per) meat, drink, or money, and yet you never allowed himm 2. d. to live on, that I could heare of, and then unjustly sentence him 4000. l. and 7 years Imprisonment in the Tower. &c. there to be tyrannized over by one of your own Creatures, Col. West Lieutenant thereof, who hath divers weeks divorced him from his wife, and denyed him her society (unlesse she would be a prisonor with him, and then what should become of them both, and of their children (having no Lands to live upon) and toft already from one layle to another, for many years together, to his great charge) although he was but onely committed to be kept in safe custody, and from writing scandalous Bookes, which the Lieutenant told him, he could not doe, unlesse hee kept his wife and friends from him, but as well he might have said, I must also lay you in a Dungeon, where you shall neither see day-light nor enjoy a candle, It being almost impossible to keepe a man so strictly, but he will write, if he have day-light, and candle-light, and so accordingly he hath commanded and executed, that neither his wife nor any of his friends should speak with him, but in the presence of his Keeper, And that the Warders at the Gate take the names and places of abode of all those that come to see him, That so the Lords may have them all down in their black and mercilesse book, and know where to find them, when the day of their fierce indignation shall more fully smoke against him, and all those that have visited him. Which some of the Warders have told some of his friends (to terrifie them) as not far of: And this cruelty exercised upon him by the Lieutenant, is more then legally can be done to a *Fellon, Murderer, or Traytor*, and yet this is his portion, although hee offered to engage his promise to the Lieutenant, when he first went in before his brother Major *Lilburn*, and another Major, that as hee was a Christian, and a Gentleman, that hee would suffer his wife and friends, according to Law and Right to have free accessse unto him, he would promise him not to write a line, nor reade a line written while he enjoyed that priviledge, which the Lieutenant refused, but executed his pleasure upon him, And then got their Lordships to make a new illegall Order, that he might be kept, as he had kept him. Now for the Lords to do this to him, seeing some of them were Actors in his bloody Sentences in *Star-chamber*, for which transcendent injustice and sufferings, he never had a peny recompence as yet, though he saith in his fore-mentioned answer to Mr. *Pryn*,
he

he hath spent divers hundreds of pounds to procure it, and though he lost not a little that yeere he lay prisoner in *Oxford* for the Parliament: see, *innocency and truth justified*. Pag. 21. 22. And although the Earle of *Manchester* and Collonel *King* detain his pay from him, which he earned with the hazard of his life (Pag. 47. 65. 70.) and besides all this, while he and others have been fighting for liberty and freedome for the whole Kingdome; he hath been robbed and deprived of his trade, by the monopolizing Merchant Adventurers, Pag. 462. Whose knavery and illegall practises, he notably anatomizeth, and layeth open in the aforesaid booke from pag. 46. to pag. 63. To the *Parliaments* credit, and reputation be it spoken, to suffer such vipers to eat out the bowels of this poore Kingdome, yea, and to set them in the Custome-house, and Excise Office, to receive the treasure of the Kingdome, whose lives and estates for their illegall and arbitrary practises, are forfeited to the state, as there he proveth it. Now after all this; for the Lords to commit him for 7. yeares to so chargeable a place, as the present *Lieutenant* of the *Tower* makes the *Tower* by his will to bee: and takes no care to allow him one penny of the Kings old allowance (which was, to finde the prisoners their meat, drink, and lodging, and to pay the *Lieutenant*, &c. his fees according to the antient, legall, and just customs of the place. What is it else in their Lordships intentions, but to starve and destroy the honest man, and his wife, and children: for according to the information I have; the fees that have bin demanded there are;

Fifty pounds to the *Lieutenant*.

Five pounds, & a mans upper garment, to the Gentleman-Porter.

Forty shillings to the Warders.

Ten shillings to the Lieutenants Clarke.

Ten shillings to the Minister.

Thirty shillings, per week, for suffering the prisoners to dresse their own diet, and about so much a week for Chamber-rent; besides what it costs them for their diet.

And all this demanded without any coulour of Law, Justice, or right. as is largely proved by a late booke called *Liberty vindicated against Slavery*.

Oh, ye *Commons of England*, what neede have you to be combined together to maintaine your common interest against these usurping cruel and mercilesse Lords, and to take speciall heede that by their charmes and Syren-like songs; you be not divided about toys, into factions, to your own destruction, and ruine, that being visibly the game (to the eyes of rationall men) which they and their agents have now to play, and by the foote you may easily judge what the beare is.

But now after this necessitated digression; let us returne back to the King, and to his forfeiting his trust, which is to protect his people from violence, and wrong, and governe them according to law. Let us consider what his, and our supream legall, and rightfull Judges; *The House of Commons, the State representative of England*; in their Petition, and Remonstrance, presented to him, at *Hampton Court* (15. December 1642. and which begins book declaration, pag. 1. and ends pag. 21.) Say: And we shall cleerly finde that they evidently make plaine to the King, and the whole Kingdome; That his 17. yeers raigne was filled up with a constant continued Act of violating the Lawes of the Kingdome, and the Liberties of his people. Yet, in pag. 491. They plainly say that before this Parliament the Lawes were no defence nor protection of any mans right: all was subject to will and power, which imposed what payments they thought fit, to draine the subjects purses, and they who yeelded and complied; were countenanced, and advanced: and all others, disgraced, and kept under; that so mens minds made poore and bale, and their liberties lost and gone; they might be ready to let go their religion, And the rest of the regall tyrannicall designs; there most acutely anatomised, to which I referr the reader, as a peece extraordinary much worth the reading.

And though the King (this Parliament) signed divers good Lawes as though he intended to turne over a new leafe; Yet the *Parliament* tell him plainly, that even in or about the time, of passing those bills; some designe or other hath been on foote, which if it had taken effect, would not onely have deprived us of the fruits of those bills, but would have reduced us to a worse condition of confusion then that wherein the *Parliament* found us.

see pag. 124. in which the King himselfe was a principall actor. And so they charge him to be pag. 210. 211. 216. 218. 221. 227. 228. 229. 230. 493. 494. 496. 563.

Yea, and they plainly declare, that the King had a finger in the Irish Rebellion: for all his many solemn protestations to the contrary: and that at the very begining, by his immediate warrant; licensed Commanders to go over to them, and hindred supplies from going to suppress them, pag. 70. 98. 116. 567. 568. 569. 622.

Yea, and though he were so quick against the Scots, as immediately (upon their declaring themselves to maintaine their rights) to proclaime them traytors; yet notwithstanding (though the King vowed and protested that his soule abhorred the Irish Rebellion;) it was about three moneths before the *Parliament* could get him to proclaime them traytors: And when he was by them forced to proclaime them traytors; His Majesty gave speciall Command, that, but forty of them should be printed, and not one of them published till farther directions given by his Majesty, pag. 567.

Yea, and besides all this; contrary to his Oath; he refuseth to passe the bill for the *Militia* although it was often prest upon him by the *Parliament*, as the onely way and meanes to settle and preserve the peace of the Kingdome: and also with-drawes him selfe from the *Parliament*; with a designe to levy warre against them, whereupon for the discharge of their duty and trust, and the preservation of the Kingdome, the 20. May 1642. book declar. pag. 259. they past three votes, viz.

I. *Resolved upon the Question.*

That it appeares, that the King (seduced by wicked Councel) intends to make warre against the *Parliament* (who in all their consultations and actions) have proposed no other end unto themselves, but the care of his Kingdome, and performance of all duty and loyalty to his person.

II *Resolved upon the Question.*

That whensoever the King maketh warre upon the *Parliament*,

ment; It is a breach of the trust reposed in him by his people: contrary to his Oath; and tending to the dissolution of his Government.

III.

Resolved upon the Question.

That whosoever shall serve or assist him in these warres; are traytors by the fundamentall Lawes of this Kingdome, and ought to suffer as traytors 1. *Rich.* 2. 1, 2, 3, 4, 5. and 6. 1 *Hen.* 4.4.

From the two last votes, I will draw some arguments which naturally flow from them. And first for the second Vote, which is, that whensoever the King maketh warre against the Parliament; it is a breach of the trust reposed in him by his people, &c. But the King hath set up his Standard of defiance against that Parliament, (which he summoned to sit at *Westminster*, and had passed an Act of Parliament that there they should sit so long as they pleased) yea, and hath actually proclaimed and levied war against them; therefore he hath broke the trust reposed in him by his people: which was, to protect and defend them: (not to ruine and destroy them) and hath violated his publick Oath, and so is willfully forsworne, and hath also strongly endeavoured the utter dissolution of the Government of this Kingdome, Pag. 248. 503. 508. 509. 576. 580. 584. 617. 665.

For; in fighting against the *Parliament*, and seekeing the utter destruction thereof; (as he hath done) he hath fought against the whole Kingdome, and people, whose betruisted, legall, chosen Commissioners, and representation they are: and who therefore have sufficient cause and ground given them, both in the eyes of God, and all rationall men; ever hereafter to renounce and desie him, &c. as he hath done them.

Now from the 3. Vote which is: That whosoever shall serve or assist him in these warres; are Traytors: and ought to suffer as Traytors: from whence by way of inference I draw this argument.

That. If the *Minor* principall (that is to say the Accessarie or assistant) be guilty of Treason: Then much more is the Major princip

principall (that is to say the chiefe mover, and beginner, or originall actor, and setter on) guilty of treason himselte.

But by this vote the *Minor* or principall (the assister) is declared and proved guilty of Treason;

Ergo, the *Major* principall, the King; who sets all his assistants at worke; is much more guilty of Treason.

Now let us consider of those two Statutes which the *Parliament* alledge; for the proveing of the 3. vote.

That of the 11. R. 2. was the Law by which the five great Traytors (as speed calles them folio 732.) were impeached, namely, Robert de Vere Duke of Ireland, Alexander Nevile Arch-Bishop of Yorke, Michael de-la-Poole Earle of Suffolke, Sir Robert Trisillian that false Iustitiar, and Sir Nicholas Brambre, that false Knight of London: whose crime was; for being the heads with many others; to advise the King, by his regall power to annihilate certaine things passed lately by act of Parliament, and to destroy the chiefe men of both houses, that had been chiefe Sticklers for the good of the Common Wealch; and by the Kings consent, the Duke of Ireland, did levy forces for that end, But by the Lords that were for the Common Wealch; was soone vanquished, and forced to fly into France where he was slaine by a wild Boare, Martine folio 149. But yet notwithstanding, his associates, and Iudges, viz. Fulthrop, Belknap, Carey, Hott, Burgh, and Lockton, were the first day of the Parliament arrested of treason as they sate in Iudgement on the Benck, and most of them sent to the Tower: for giving it under their hands, that it was lawfull for the King to abrogate that which was lately done in the Parliament: (because as they wickedly said, he was above the law, Speed, folio 731.) Trisillian the chiefe Iustice prevented by flight, his apprehension when his fellows the Iudges were taken; but afterwards was caught and brought to the Parliament in the fore-noone, where he had sentence to be drawne to Tyburne in the after-noone and there to have his throat cut, which was done accordingly. Sir Nicholas Brambres turne was next. And after him, Sir Iohn, Earle of Sailebury, and Sir James Barney, Sir Iohn Beuchamp of Holt, Stuart of the Kings Household: Iohn Black Esquire: and Simond Burley, who onely, as speed saith, folio 733. had the worship to have his head struck off. The Duke of Ireland, the Arch Bishop of Yorke, the Earle of Suffolke, and others had their

Estates confiscated to the Kings use by Act of Parliament. And as Martin saith, folio 149. The rest of the Judges had been served as Robert Trisillian was, if (upon the importunate, and uncessant request of the Queene) their lives had not been redeemed by their banishment; , O gallant and brave Justice.

It is true, and so confessed by the *Parliament*, that these Statutes of 11 R. 2. 1, 2, 3, 4, 5, and 6. were abolished by the 21. R. 2. 12; But it is averred by them that they were revived by 1 H. 4. 3. 4. 5. 9. and still stand in force to this day. which is a reall truth.

And in the 2. place, let us consider well the *Parliaments* publick Declarations, and we shall see they hold it out full enough: We will begin with their *Declaration* to the States of *Holland*, pag. 636. where they plainly affirme, that the King (not his evill Councillers) hath now at last resolved to set up his royall Standard, and draw his sword for the destruction and ruine of his most faithfull and obedient people, whom by the lawes and constitutions of this Kingdome he is bound to preserve and protect. Yea, and in their answer (sent to his Messenger from *Nottingham*) August 25 1642. pag. 580; They tell him plainly, that though they have used all meanes possible to prevent the distractions of this Kingdome, which have been not onely without successe, but there hath followed that which no ill Councell in former times hath produced, or any age hath seene, namely those severall Proclamations and Declarations against both the Houses of Parliament, whereby their actions are declared Treasonable, and their persons Traytors, and thereupon your Majesty hath set up your Standard against them, whereby you have put the two Houses of Parliament, and in them this whole Kingdome, out of your protection (and as I may truly say, have thereupon virtually ceased to be King) so that untill, your Majesty shall recall those Proclamations and Declarations, whereby the Earle of *Essex* and both Houses of Parliament, and their adherents and assistants, and such as have obeyed, and executed their commands, and directions, according to their duties; are declared traytors, or otherwise, delinquents; And untill the Standard, set up in the pursuance of the said Proclamations, be taken downe, your Majesty hath put us into such a condition,

dition, that whilst we so remaine, we cannot by the fundamentall priviledges of *Parliament*, the publike trust reposed in us, or with the generall good and safety of this Kingdome; give your *Majesty* any other answer to this Message. The same language they speake to him in their Petition, pag. 584. And in their Message, pag. 585. And in their Petition, 587. And in their Declaration, pag. 576; They say plainly that the *King*, seduced by wicked Councell, doth make warre against his *Parliament*, and people. And in their Petition sent by Sir *Philip Stapleton*, to the Earle of *Essex*, to be presented to His *Majesty*, pag. 617. They say positively; His *Majesty* warres against the *Parliament*, and subjects of this Kingdome, leading in his own person an Army against them, as if he intended by conquest to establish an absolute and unlimited power over them, and by his power, and the continuance of his presence, have ransacked, spoyled, imprisoned, & murdered divers of his people, yea, and doth endeavour to bring over the Rebels of Ireland, and other forces from beyond the Seas; And in their Declaration, and resolution, after the *King* had proclaimed the *Parliament*, and the Earle of *Essex* Traytors, pag. 508. 509. They call that very Proclamation an attempt so desperate, and so transcendently wicked, that the *Lords* and *Commons* do unanimously publish and declare, that all they who have advised, contrived, abetted, or countenanced, or hereafter shall abett and countenance the said Proclamation; to be Traytors, and enemies to GOD, the King & Kingdome, and to be guilty of the highest degree of Treason that can be comitred against the King and Kingdome, & that they will, by the assistance of Almighty God, and of all honest English Protestants, and lovers of their Country; do their best endeavours (even to the utmost hazard of their lives, and fortunes) to bring all such unparalleld traytors to a speedy and exemplary punishment. Be sure you be as good as your word: for GOD, of all villians; abhors faith-breakers: and take heed, by your actions, and treatyes with the unjust and false King *Charles*, one of the *Monsters* of the earth; you do not give a just, and visible cause of ground; not onely to all rationall men in England, but in the world (that knowes, reades, and understands your often solemn sworne Oathes, vowes, Pro-
testa-

testations, and ingagements) to judge you a forsworne, false, and perjured Generation, and fit to be abhorred of GOD, and all good men; for to speake truth, and right: Hath not *Charles Stewart* committed treason against *King Charles*? sure I am he hath done it against the KINGDOME of ENGLAND, and that I prove by your own grounds; thus.

The Proclamation that you so much cry out of; comes out in his name and stile, pag. 503. 404. 406. 507. And therefore his:

Ergo. -----

For he ownes his own Proclamations, and Declarations, and jeeres you for a company of simpletons for declaring it otherwise. His words, (pag. 248.) are; All our answers and Declarations have been and are owned by us, and have been attested under our hands: if any other had been published in our name, and without our authority; It would be easy for both Houses of Parliament to discover and apprehend the Authors: And we wish that whosoever was trusted with the drawing, and penning of that Declaration (namely the *Parliaments*, dated 19. of May 1642.) had not more authority or cunning to impose upon or deceive a major part of those votes by which it passed; then any man hath to prevaile with us to publish in our name any thing but the sence and resolution of our own heart. And since this new device is found out in stead of answering our reasons, or satisfying our just demandes, to blast our Declarations, and answers, as if they were not our own; (a bold senselesse imputation) we are sure that every answer and Declaration published by us, is much more our own, then any one of those bold threatning and reproachfull Petitions, and remonstrances are the acts of either or both houses. Yea, and as if all this were not enough to be done by a trust sufficiently for ever to declare the forfeiting of his trust and Kingly Office; the King himself hath caused the Jewels of the Crown to be pawned, to buy instruments of warre; to butcher and murder his people; who never gave him any power, and authority, for any other end, but to protect, defend, and preserve them: neither did he ever in his life, enjoy any other power, either from God, or man, but for that end; yet in his speech to the people of *SALOP*, he declares he will

Will melt down all his own Plate, and expose all his land to sale, or mortgage, (though it be none of his, but the Kingdomes) that so he may the faster cut the throats, and shed the innocent blood of those his brethren, that betruſted him with all he had, or hath, for their good and welfare. Yet to fill up the measure of his iniquity; he, (not his evill counſellors) hath given *Commission* to his *Commissioners of Array, Sheriffes, Mayors, Juſtices, Bailiffes*, or any other whatſoever, to *raiſe Force*, and to *kill and ſlay all ſuch as ſhould hinder the EXECUTION* of his Royall command, or put the *Ordinance of Militia* (though it were for their own preſervation) in *Execution*, pag. 581. And the ſame bloody murdering *Commiſſions* he hath given to his *Inſtruments* in *Scotland & Ireland*, to *Butcher, deſtroy, and ruinate* the people there. So that to ſum up all, the *Parliament* told him plainly in their late letter ſent to him at *Oxford*, *That he was guilty of all the innocent blood ſhed in England, Scotland, and Ireland, ſince theſe wars*, which is the blood of *thouſands of thouſands*: For which, if all the ſons of men ſhould be ſo baſe and wicked, as not to doe their duty, in executing juſtice upon him (which Legally may and ought to bee done, by thoſe eſpecially who have *Power and Authority* in their hands :) Yet undoubtedly, the righteous God will, and that I am confident in an exemplary manner, in deſpight of all his bloody and wicked protectors and defenders. For *GOD is a juſt GOD*, and *Will revenge innocent blood even upon Kings*, Judg. 1. 6, 7. 1 Kings 21. 19. & 22. 38. Iſa. 30. 33. Ezek. 32. 29. --- and will repay wicked and ungodly men, Iſa. 59. 18. Therefore I deſire thoſe that ſhall thinke this a harſh ſaying; to lay down the definition of a *Tyrant* in the higheſt degree, and I am confident their own *Conſciences* will tell them it is ſcarce poſſible to commit or doe that act of *Tyranny* that *Charles Stewart* is not guilty of; and therefore, *de jure*, hath abſolved all his people from their *Allegiance and Obedience* to him, and which, the *Parliament* are bound in *duty and conſcience, De facto*, to declare, and not to bee unjuſt to the Kingdom, then their predeceſſors have been: which, in part, I have already mentioned; and ſhall, to conclude, onely cite ſome particulars of the *Parliaments* juſt dealing with *Edward the ſecond* (who was not one quarter ſo bad as *C.R.*) who being called to account by the *Parliament* for his evill government, and being imprisoned

" at *Kenelworth-Castle* ; the Parliament sent Commissioners to
 " acquaint him with their pleasure, the Bishops of *Winchester, Hereford,*
 " and *Lincoln*, two Earls, two Abbots, foure Barons, two
 " Justices, three Knights for every County ; and for *London*, and o-
 " ther principall places (chiefly for the five Ports) a certain number
 " chosen by the Parliament. And when they came to him, they told
 " him, the Common-wealth had conceived so irreconcilable dis-
 " likes of his government, the particulars whereof had been ope-
 " ned in the generall Assembly at *London*, that it was resolved ne-
 " ver to endure him as King any longer: That, (notwithstanding)
 " those dislikes had not extended so far, as for his sake to exclude
 " his issue ; but that with universall applause, and joy, the Com-
 " mon-wealth had in Parliament elected his eldest sonne, the Lord
 " *Edward*, for King. They finally told him, that unlesse he did of
 " himselfe renounce his Crown and Scepter; the people would nei-
 " ther endure him, nor any of his children, as their Sovereigne :
 " but disclaiming all Homage and Fealty, would elect some other
 " for King, not of the Blood.

The King seeing it would be no better; amongst other things
 told them, " That he sorrowed much, that the people of the
 " Kingdom were so exasperated against him, as that they should
 " utterly abhorre his (any longer) rule and sovereignty ; and
 " therefore he besought all there present, to forgive him; and gave
 " them thanks for chusing his eldest sonne to be their King, which
 " was greevously to his good liking, that he was so gracious in their
 " sight.

Whereupon they proceeded to the short Ceremony of his *Re-*
signation, which principally consisted in the surrender of his *Dia-*
dem, and *Ensignes of Majesty* to the use of his son the new King.
 Whereupon Sir *William Trussel*, on the behalfe of the whole
 Realm, renounced all homage and allegiance to the Lord *Edward*
 of *Carnarvan*, late King : The words of the definitive Sentence
 were these :

I *William Trussel*, in the name of all men of the Land of
 England and all the Parliament, Procurator resigne to thee
 Edward the Homage that was made to thee sometime : and
 from this time forward now following, I desy thee, and deprive
 thee

free of all Royall power; and I shall neuer be attendant to thee,
as for King, after this time.

But if any object: It is true, Subjects and people have, *de facto*, done this unto their Kings; but they cannot doe it, *de jure*, for that Kings are above their people, & are not punishable by any, but God; I answer, God is the fountain, or efficient cause of all punishment; But, as to man, instrumentally; he inflicts by man: And though he be our supream Lord and Law-Maker, & hath for *bodily* and *visible transgressions* of his Law, appointed a *visible* and *bodily* punishment in this world, for the transgressors thereof, and man for his instrumentall executioner, and never (ordinarily) doth it immediatly by himself, but when his Instrument (Man) failes to doe his duty: and being a God of order; hath appointed a Magistrate, or an impowred man, as his and their executioner, for the doing of justice: and never goeth out of this Road, but in extraordinary cases, (as he doth) when the Magistrate is extraordinarily corrupted in the executing of his duty: and in such cases, God hath raised up particular or extraordinary persons to be his executioners. And therefore God being no respecter of persons, hath by nature created all men alike in power, and not any, lawlesse, and none to bind each other against mutuall agreement and common consent: and hath expressly commanded, Man, his rationall creature, shall not tyrannize one over another, or destroy (by any intrusted power) each other; but that the intrusted, (Kings as well as others) shall improve the utmost of their power and strength, for the good and benefit, protection and preservation of every individuall Trustee.

And whosoever he be, that shall improve his intrusted power, to the destruction of his impowers; forfeits his power. And God the fountain of Reason and Justice, hath endued man with so much reason, mercy, humanity, and compassion to himself and his own Being, as by the instinct Nature to improve his utmost power for his own preservation and defence: which is a Law above all lawes and compacts in the world. *Declar. April 17. 1641.* And whosoever rejects it, and doth not use it; hath obliterated the Principles of Nature in himselfe, & degenerated into a habit worse then a beast, and becomes felonious to himselfe, and guilty of his

own blood. This, Israel of old, (the Lords peculiar people) understood as well as the people of *England*, although they had no expresse positive law, no more then we in *England* have to rebell, or withdraw their obedience & subjection from those Magistrates or Kings that exercise their power and authority contrary to the nature of their trust : which is plain and cleare, without dispute, in the case of *Rehoboam*, who was the son of *Solomon*, who was the sonne of *David*, who was assigned King by *G O D*, and chosen and made King by the common consent of the people of *Juda* and *Israel*, 2 *Sam.* 7. 13. And who by vertue of Gods promise to him and his seed to be Kings over his people; had more to say for his *Title* to his and their Crown, I am confident of it, then all the Princes in the World have to say for their claim, and childrens, to their Crown. For *Rehoboam* was not onely the sonne of *Solomon*, who was in a manner intailed by God himselfe unto the Crown; but he was also made King at *Shechem* by all *Israel*, 1 *King.* 12. 1. And afterwards *Jeroboam* the son of *Nebat*, *Solomons* servant, and all the congregation of *Israel*, went to *Rehoboam* to claim the making good of the *G R E A T C H A R T E R* of *Nature*, viz. to claim relaxation of oppression, and protection according to justice, that is to say, that he should doe to them (in governing them justly) as he would have them to doe to him, (in yeelding him subjection and obedience:) this being the whole Law of *G O D* both Naturall and Morall; and therefore they tell *Rehoboam*, that the King his Father had broke their Charter, and made their *Yoak* grievous (which you may read of in Chap. 4.) Now therefore make thou (observe, they doe not say, Most gracious Sovereigne; nor, Most excellent Majesty) the grievous service of thy Father, and his heavy *yoak* which he put upon us, lighter, and we will serve thee. But the King rejecting the advice and counsell of his old and good Counsellors : which, as we may say, was to govern them according to Law, contained in *Magna Charta*, and the *Petition of Right*, &c. and not to rule and governe them according to his Prerogative, or perverse Will : For they tell him, If thou wilt be a servant unto this people this day, and wilt serve them, (mark it well) and answer them, and speak good words to them; then they will bee thy servants, forever. But he forsook the counsell of the old men (which wee may call *GOOD COMMON-WEALTHS*

WEALTHS-MEN,) and followed the advice of his young-men (which we call the Cavaliers, or men for the Prerogative) And (saith the Text) he answered the people roughly, saying, My Father made your yoke heavy, and I will adde to your yoke: My Father also chastised you with whips, but I wil chastise you with Scorpions, 1 Kings 12. 3, 4, 5, 6, 7, 8, 14. But (saith the Text, vers. 15) when all Israel saw that the King hearkened not unto them, the people answered the King, saying, What portion have we in David? Neither have we inheritance in the son of Jesse. To your Tents, O Israel. Now see to thine own house, David. So Israel departed to thir tents, and revolted, or rebelled against the House of David, and called all the cōgregation of the people together, and (with an unanimous consent) made Jeroboam King over all Israel, as Rehoboam was over Juda; (having both an assignation from G O D, 1 King. 11. 11, 12, 13, 26, 29, 30, 31, 35, 37, 38. and a solemne legall publick Call and Election from the people, 1 Kings 12. 2, 3, 20, 21.) and of his Regality and Kingship, as legally and justly by God himselfe approved, by sending his Prophet to bring the kingdom back to Solomons son) to command him and Juda, &c. (Observe, he calls them not Rehoboams people) not to goe up, nor fight against their brethren the children of Israel. Which command, as molt just, they observed, vers. 21, 22, 23, 24 Yea, and God himselfe, (in the 14. chapter and 7. verse) beareth witness that he himselfe exalted Jeroboam from among the people, and made him Prince over his people Israel, and rent the Kingdome from the house of David, and gave it unto him. And afterwards, when God upbraids him, it was not because he was an usurper, a traytor, or a rebell against his masters son King Rehoboam; but because he had not been as his servant David was, (who followed him with a perfect heart,) but had done evill above all that was before him in making him other Gods, and molten Images, to provoke me (saith God) to anger, and hast cast me behind thy back. So that here is a cleare demonstration, that it is lawfull in the sight of God, as well as in the sight of Man, for a people to with-draw their obedience from that Magistrate, or King, that refuseth to govern them by legall justice; but oppresseth them contrary to the end of the trust reposed in him (which was never for their woe, but for their weale,) and so breakes that tacit contract, that by vertue of his Induction into his Office, is Naturally and Rationally implied

implied to be made, although it never be expressed, It being as the *Parliament* saith, (Book Declar. Pag. 150.) irrational to conceive that when the Militia of any is committed to a Generall, although it be not with any expresse condition; that he shall not turne the moutnes of his Cannons against his own Souldiers: for, (say they) that is so naturally and necessarily implied, that its needlesse to be expressed, insomuch, as if he did attempt, or cōmand any such thing against the nature of his trust and place, it did, *Ipsa facto*, estate the Armie in a right of disobedience, except we thinke that obedience binds men to cut their own throates, or at least their Companions.

Having laid this foundation, I will come now to speak something of those five particulars, which is before-mentioned, and laid down in the sixth page of this Discourse; which are thus expressed.

First, if it were granted, that the Lords were a legall Jurisdiction, and had a judicative power over the Commons; yet, the manner of the Lords dealing with Lieut. Col. *Lilburn*, is illegall and unjust.

Secondly, That if the Lords were a Judicature, yet they have no jurisdiction over Commoners.

Thirdly, That they are no Judicature at all.

Fourthly, That they by Law and Right, are no Law-makers.

Fifthly, That by Law and Right, it lyeth not in the power of the King, nor in the House of Commons it self, to delegate the legislative power, either to the Lords divided or conjoyned, nor to any other persons whatsoever: For the first of these, *viz.* That the manner of the Lords proceeding with Lieut. Col. *Lilburn*, was, and is illegall; is cleer; and that I prove thus:

The Law requires; that before the body of a Free-man be attached, or summoned to a Bar of Justice, to answer a Chage; that there shall be an originall Declaration, or Charge, filed in the Court, before so much as either the Writ, Attachment, or Warrant go out, to seize upon, or summon the party accused. See Sir *Edw. Cookes* 2. part. *Institut. f.* 46, 50, 51. Read the Statute, &c. quoted in those Margents; but there was no such matter in Mr. *Lilburns* case: For although, as he declares in his book, called *The Freemans freedome vindicated*, page 3, the Lords (10. June, 1645

1646. sue out a Warrant, to summon him, upon sight thereof, to answer such things, as he stands charged with before their Lordships, concerning a Pamphlet, entituled, *The just mans justification*; or, *A Letter by way of Plea in Barre*. And accordingly, the 11 of June, 1646. he appeared at their Bar, expecting there to have received a written Charge according to Law and Justice, which they both refused to shew him, or let him know, whether they had any such legall Charge, or no, against him; but presse him (contrary to the *Petition of Right*, and the *Law of the Land*) to answer to Interrogatories concerning himself (a practice condemned by themselves in his own case, Feb. 12. 1645.) in the annihilating his unjust Sentence in the Star-Chamber. (Read his printed Relation thereof, page 1. 2. 3. and the last) Which forced him to deliver in at their Bar, his legall and just *Plea and Protestation*, against their usurping jurisdiction over Commoners; which you may read in *The Freeman's freedom vindicated*, page 5. 6. Vpon which they commanded him to withdraw; and then (pag. 7.) make an Order to commit him; in these words.

Die Jovis 11. June 1646.

IT is this day ordered by the Lords in Parliament assenbled, That Lieut. Col. John Lilburn, shall stand committed to the Prison of Newgate, for exhibiting to this House, a scandalous and contemptuous Paper, it being delivered by himselfe at the Barre this day; And that the Keeper of the said Prison, shall keepe him safely, untill the pleasure of this House be further signified: and this to be a sufficient Warrant in that behalfe.

John Brown, Cler. Parl.

To the Gentleman-Usher of this House, or his Deputy, to be delivered to the Keeper of Newgate.

I cannot hear, that he either at this time, misbehaved himself, either in word, or gesture towards them; but gave them as much respect at this time, as if he had been one of their own Creatures.

But away to Newgate he goes, and June 16. 1646. directed his

his appeale to the Honorable House of Commons, which you may read in the fore-mentioned booke, pag. 9, 10, 11. " Which
 " appeale the House of Commons read, approved of, and com-
 " mitted to a speciall Committee, which Committee mer, and
 " examined his businesse, and as I am intormed from very good
 hands, made a vote to this eff. &.

" That his proceedings with, and protestations against, the
 " Lords delivered at their barre, and his appeale to the House
 " of Commons, was just, and legall, which they in justice ought
 " to beare him out in: which Report; Collonel Henry Martin
 " (that couraragious and faithfull Patriot of his Country) as
 " Chairman of that Committee; is to report to the House:

But immediately after the reading of this Appeale to the House, out comes the fore-mentioned booke in prynt, which it seemes did something startle the Lords, who had let him lie quietly in Newgate till then, without so much as sending him the Copy of any charge; But upon this, they send a Warrant againe for him, which, as I finde it in the 4. page of the *Just man in Bonds*, thus followeth.

Die Lunæ 22. Junii. 1646,

O Rdered by the Lords in Parliament assembled, that Lieutenant Collonel Iohn Lilburne now a prisoner in Newgate, shall be brought before their Lordships (in the High Court of Parliament) to morrow morning by 10. of the clock, and this to be a sufficient Warrant in that behalfe.

John Browne Cler. Parl.

To the Gentleman Usher of
 this House, or his Deputy,
 to be delivered to the
 Keeper of Newgate or
 his Deputy.

And accordingly the next day, Lieutenant Collonel Lilburne was brought up to their barre, and being called into the House, was commanded to kneele; which he refused to do, for what reasons; he is best able to declare: which I hope he will not
fail

faile to do, as soone as he enjoyes the liberty, and priviledge to have pen, inke, and paper, which by law he cannot be debarred of, neither can it justly be denyed to the greatest Traytor in *England*. And surely the Lords give a cleere demonstration to the whole Kingdome to judge, that their own consciences tell them, that he is an honest, and a just man, and their dealing with him is base, wicked, illegall, and unjust, that they dare not suffer him to enjoy pen, inke, and paper (to declare the truth of his cause to the world) which they have most unjustly, and unrighteously kept from him, by speciall Order, for above three moneths together. So that by the paw, a man may judge of the whole body, that is to say; by their Lordships dealing with him, a wise man may easily see what they would do to all the *Freemen of England*; if their power were answerable to their wills, which would be to make them as great slaves as the *Pesants in France* are (who enjoy propriety neither in life, liberty, nor estate) if they did not make us as absolute vassals as the poore *Turks* are to the *Grand Seigneour*, whose lives, and estates he takes away from the greatest of them, when he pleaseth.

Therefore; O all ye *Commons of England* marke well, and eye, with the eye of Jealousie, these Lords the sons of pride, and tyranny: And not onely them, but all their associates, or Creatures, especially in the *House of Commons*: (if any such be there) for, assure your selves; enemies they are, and will be, to your liberties, and freedoms, what ever their specious pretences are to the contrary, it being a *Maxim* in nature, that every like, begets its like; Therefore, trust them not, no more then you would do a *Fox* with a *Goose*, or a devouring *Wolfe*, with a harmelese *Lambe*, what ever they say or sweare, having so palpably and visibly, in the case of *Mr. Lilburne*, broken all their Oathes, Protestations, Vowes, and Declarations to maintaine the *Lawes of the Land*, and the *Liberties of the People*.

But let us returne to their 2. summoning him to their Barre, who being commanded to kneele; refused: and without any more discourse, or so much as shewing him any legal charge; they Commanded him to withdraw, and for this cause alone (he behaving himselfe this time also respectfully enough (saying in

the Ceremony of kneeling) they commit him close prisoner to Newgate.

A true Copy of their Warrant thus followeth.

Die Martis 23. Junii. 1646.

ORdered by the Lords in Parliament assembled, that John Lilburne shall stand Committed close prisoner, in the Prison of Newgate, and that he be not permitted, to have pen, inke, or paper, and none shall have accessse unto him in any kinde, but onely his Keeper, untill this Court do take further Order.

To the Keeper of Newgate his Deputy, or Deputies.

John Browne Cler. Parl.

*Exam. per Rad. Briscoe
Cler. de Newgate.*

And so from this 23. of June, to the 11. of July then ensuing, he was locked up close, and neither his *Wife, Children, Servants, Friends, Lawyers, or Councellers* permitted to have accessse unto him, nor they never sent him word what they intended to do; And all this while the Lords are picking matter against him, having none it seemes when they first summoned him to their barre, to grownd the least pretence, or shadow of a Charge against him: and knowing his resolution to stand to his liberties, they lay provocations upon him, & comit one act of injustice (with a high hand) upon the neck of another, to provoke him to let some words fall, or do some actions to ensnare himselfe, that so they might have some coulor for their future proceedings with him. And divers bookes coming out in his behalfe, by some (as it seemes) who wished him well, which to the purpose nettles the Lords, for their cruelty towards

towards him; Serieant *Finch*, as one of his Majesties Council, prefers certaine Articles against him, in the House of those Peers by way of Charge, but sends him no Copy of it, although it was impossible for him being so close as he was) to get a Copy of it himselfe: the greatest part of which is taken out of his booke, called *The Freemans Freedome vindicated*. and his Epistle to Mr. *Wollaston* the Jaylor of *Newgate*, both of them made by him in *Newgate*, many dayes after the Lords had Comitted him; which letter of his to Mr. *Wollaston*, for the excellent matter therein, we will insert heere *verbatim*.

SIR, I this morning have seen a Warrant from the House of Lords, made yesterday, to Command you to bring me this day at 10. a clocke before them, the Warrant expresseth no cause wherefore I should dance attendance before them; neither do I know any ground or reason wherefore I should, nor any Law that compels mee thereunto; for their Lordships sitting by vertue of Prerogative-patents, and not by election or common consent of the People, haue, as *Magna Charta* (and other good Lawes of the Land) tels me, nothing to do to try me, or any Commoner whatsoever in any criminall case, either for life, limb, liberty, or estate: but, contrary hereunto, as incrochers, and usurpers upon my freedoms and liberties; they lately, and illegally endeavored to try me a Commoner at their Bar, for which I under my hand, and seale, protested to their faces against them, as violent, and illegal incrochers upon the rights, and liberties of me, and all the Commons of *England* (a copy of which &c. I in Print herewith, send you) and at their Bar I openly appealed to my competent, proper, legall Tryers, and Judges, the Commons of *England* assembled in Parliament (for which, their Lordships did illegally, arbitrarily, and tyrannically, commit me to prison into your custody) unto whom divers dayes agoe I sent my Appeale &c, which now remains in the hands

of their Speaker, if it be not already read in their house, unto which I do, and will stand, and obey their commands.

Sir. I am a free-man of *England*, and therefore I am not to be used as a slave or Vassall by the Lords, which they have alreday done, and would further doe. I also am a man of peace, and quietnesse, and desire not to molest any, if I be not forced thereunto: therefore I desire you as you tender my good, and your own, take this for an answer, that I cannot without turning traytor to my liberties; dance attendance to their Lordships Barre: being bound in conscience, duty, to God, my, self, mine, and my Country; to oppose their incroachments to the death: which by the strength of God, I am resolved to do. Sir. you may, or cause to be exercised upon me, some force or violence to pull and drag me out of my chamber, which I am resolved to maintain, as long as I can, before I will be compelled to go before them; and therefore I desire you, in a friendly way, to be wise and considerate before you do that, which it may be, you can never undoe.

Sir. I am your, true and faire conditioned
prisoner, if you will be so to me,

From my Cock-loft in the
Presse-yard of New-
gate this 13. of June
1646.

JOHN LILBURN.

And the next day aftere Serjeant Finch exhibited his *Articles*, being the 11, July 1646. Lieutenant Colonell Lilburne is, by vertue of a Warrant to the Sheriffe or Sheriffes of London M. Foot, and Mr. Kendrik (who contrary to Law refused to give him a Coppy of that warrant, although hee sent for it by Mr. Bisco the Clerk of Newgate,) brought up to the Lords barr, in a most base Contumelious, and reproachfull maner, the substance of that Warant, being to command him to the Lords Barr
to

to heare his charge read. But before he was called in; hee, by his Keeper, sent word to the Lords, " That they being not his Peers, " and Equals; were none of his LEGALL JUDGE S, and " so had no jurisdiction over him: and therefore hee would not " stoop unto, or acknowledge, their authority and jurisdiction o- " ver him in this particular: which he desired a-fore-hand to ac- " quaint them with: And that he must be forced, out of consci- " ence to that duty he owes to Himselfe, his Liberties, and the " Liberties of his Countrey: (seeing their LORDSHIPS would " neither be satisfied with his Protestation, nor Appeale to the " COMMON S; nor yet with his refusing to kneele at their " Bar, nor consult with the House of COMMON S about the " legality of their proceedings; but the third time to send for " him, who, they knew, could not, in this case, stoop unto them; " as though they were resolved to tread the Liberties of all the " COMMON S of ENGLAND, under their feet. And " therefore seeing that they increased in their illegall an unwar- " rantable presumptiō) he said, he must increase in his just detesta- " tion of their actions, and incroachments. In testimony of which, " hee was resolved to come in with his HAT ON, and to " STOP his EARES when his charge was offered to be read, " which (as I understand) he accordingly did.

And having liberty sometimes to speak to them, being comman- ded to withdraw three times, and brought in again; he told them to this effect, with a great deal of resolution, " That they were " (not onely) not his Judges, but the manner of their proceeding " with him, was against all Law and Justice: yea, contrary to " their own judgement lately given by themselves in *February* " last in his own case, of the *Star-Chamber*, and of the *Petition of* " *Right*. For (said he) My Lords, the warrant that commanded " me to your Barre; did summon me up to answer a criminall " charge: And being at your Bar, I pressed you, again and again, " to see it, and earnestly intreated you, that if you had any legall " charge in writing against me, that it might bee produced: But " (contrary to Law and Justice) you refused to do it, & contrary " to all law (just High Commission-like) pressed me to answer " Interrogatories concerning my self, which forced & necessitated me " to deliver in my Protestatiō against you: And I have since appea-
led

"led to my Legall Judges, the COMMONS of ENG-
 "LAND, assembled in PARLIAMENT; who have re-
 "ceived, accepted, read, and committed my appeale, and pro-
 "miſed me juſtice in it. And, my Lords, I tell you to your
 "Faces, Theſe are the MEN that ONELY and ALONE
 "have THE SUPREAM POWER of ENG-
 "LAND reſiding in them; who, when you have done all,
 "and the worſt you can, they both muſt, and will, bee your
 "Judges and mine. But (my Lords) if you will not joyned iſſue
 "with me there, that you may know I neither feare you nor your
 "Charge, nor decline a legall proceeding about it; preferre your
 "charge againſt me in any Court of Juſtice in *Westminster-Hall*,
 "or any other Court in *England*, that hath a legall juſdiction o-
 "ver me; and I will answer you: The which if you reſuſe, and
 "will ſtill perſevere in your inſeignments upon my Rights and
 "Liberties; know (my Lords) that here to your faces, I bid de-
 "ſiance to you to doe the worſt you can to me, being reſolved to
 "ſpend my heart blood againſt you in this way. My Lords (ſaid
 "he) are not you the men that firſt engaged this kingdome in this
 "preſent warre? And you pretended and ſwore, it was for the
 "maintenance of the lawes and liberties of *England*: But (my
 "Lords) if you diſſembled, or were in jeſt; I am ſure (ſaid he) I
 "was reall, and in good earneſt. And therefore (my Lords) before
 "you ſhall wreſt out of my hand, my eſſentiall liberties and free-
 "domes, and that which makes me a man, and to differ from a
 "beaſt (having already run the hazards of ſo many deaths for the
 "preſervation of them as I have done); I tell you plainly and truly,
 "I will by the ſtrength of GOD, venture my *life* and *blood* as
 "freely and reſolutely againſt you in this particular, as ever I did
 "in the field againſt any of the *Cavaliers*: (who, you told us, en-
 "devoured and intended to deſtroy the lawes and liberties of *Eng-
 "land*) And ſome of your ſelves know that that was reſolutely
 "enough.

And much more, as I underſtand he told them then, which I
 leave to the relation of his own pen and hand, which I beleieve the
 world will ſhortly ſee.

But they went on, and ſentenced him two thouſand pounds to the
 King for his preſent contempt at their Barre, and two thouſand
 pounds

pounds for his pretended crimes contained in their Articles, which they took *pro confesso*, because he would not heare them read.

But in regard that his wives late petition delivered to the House of COMMONS, September 23. 1646. doth notably and excellently set forth the illegality of the manæer, &c. of the Lords proceedings with him; we judge it very necessary here to insert it, not only for the proof of the thing in hand, but also for her exceeding commendations in so close following her husbands businesse, in his great captivity, with such resolution, wisdom and courage as she doth, whose practice herein may be a leading, just, and commendable president for all the wives in *England* that love their husbands, and are willing to stand by them in the day of their tryall. Her petition thus followeth.

To



To the Chosen and betruſted Knights
Citizens and Burgeſſes, aſſembled in
the high and ſupream Court of
PARLIAMENT.

*The Humble Petition of ELIZABETH LILBURNE, wife to
Lieut. Col JOHN LILBURNE, who hath been for above eleven
Weeks by-paſt, moſt unjuſtly divorced from him, by the Houſe of
 Lords, and their tyrannicall Officers, againſt the Law of GOD,
and (as ſhe conceives) the Law of the Land.*

Sheweth,

THat you only and alone are choſen by the Commons of
England to maintain their Laws, and Liberties, and to
do them juſtice and right; (a) which you have often
befor God and the World ſworn to do: (b) yea, and in
divers of your *Declarations* declared; it is your duty (in regard
of the truſt reſoſed in you) ſo to doe; (c) without any private
aimes, perſonall reſpects, or paſſions whatſoever; (d) And that
you think nothing too good to be hazarded in the diſcharge of
your conſciences for the obtaining of theſe ends: (e) And that
you will give up your ſelves to the uttermoſt of your power,
and judgement; to maintain truth, and conforme your ſelves to
the will of God; (f) which is to doe juſtice and (g) right, and
ſecure the *Perſons, Eſtates, and Liberties* of all that joyned with
you; (h) imprecating the judgments of Heaven to fall upon you
when you decline from theſe ends: (*) you judging.

a Coll. of
decl pag 254.

336.382.508.

613.705.711

716.721.724.

716.711.724.

730.

b Coll. Decl.

page 361.663.

proteſtation

and covenant.

c Coll. decl.

pag. 81. 172

262, 266, 267

340, 459, 462,

471, 473, 588,

690, *d* Col. decl.

p. 464, 490.

750. *e* Col. decl.

p. 214.

f Col. declar.

p. 666.

g ler, 22. 16.

15. 16. 17. *h* Col. declar.

666. 673. *

d Col. decl. p. 464, 490. 750. *e* Col. decl. p. 214.

f Col. declar. p. 666. *g* ler, 22. 16. 15. 16. 17. *h* Col. declar. 666. 673. *

e Col. decl. p. 214.

f Col. declar. p. 666. *g* ler, 22. 16. 15. 16. 17. *h* Col. declar. 666. 673. *

e Col. decl. p. 214.

f Col. declar. p. 666. *g* ler, 22. 16. 15. 16. 17. *h* Col. declar. 666. 673. *

e Col. decl. p. 214.

f Col. declar. p. 666. *g* ler, 22. 16. 15. 16. 17. *h* Col. declar. 666. 673. *

e Col. decl. p. 214.

f Col. declar. p. 666. *g* ler, 22. 16. 15. 16. 17. *h* Col. declar. 666. 673. *

e Col. decl. p. 214.

it the greatest scandal that can be laid upon you, that you either do or intend to subvert the *Laws, Liberties, & freedoms* of the people.

(i) Which freedoms, &c. you your selves call, *The common birth-right of English-men, (k)* who are born equally free, and to whom the law of the land is an equal inheritance : and therefore you confesse in your Declar. of 23. Octob. 1643. (l) It is your duty to use your best endeavours, that the meanest of the *Commonalty* may enjoy their own birth-right, freedom & liberty of the laws of the land, being equally (as you say) intitled thereunto with the greatest subject. The knowledge of which, as coming from your own mouthes, and Pen, imboldned your *Petitioner*, with confidence, to make her humble addresse to you & to put you in mind, that her husband above 2 moneths agoe made his formal & legall appeale to you against the injustice and usurpation of the *Lords* acted upon him; which you received, read, committed, and promised him justice in : But as yet no report is made of his busines, nor any relief, or actual justice holden out unto him; although you have since found time to passe the *Cōpositions & pardons* for the infranchising of those that your selves have declared *Traytors and Enemies* to the Kingdom: which is no small cause of sorrow to your *Petitioner*, and many others, that her husband, who hath adventured his life, and all that hee had in the World, in your lowest condition for you; should bee so slighted & disregarded by you, as though you had forgot the duty you owe to the kingdom, and your many *Oathes, Vowes, and Declarations: (**)* which neglect hath hastened the almost utter ruine of your *Petitioner*, her husband, and small Children. For the *Lords* in a most tyrannicall and barbarous manner (being encouraged by your neglect) have since committed her husband, for about three weeks, close prisoner to *Newgate*, locked him up in a little room, without the use of pen, ink, or paper (for no other cause but for refusing to kneel at the Bar of those, that by law are none of his Judges.) (m) The cruell Jaylors all that time refusing to let your *Petitioner*, or any of his friends to set their feet over the threshold of his chamber door, or to come into the prison yard to speak with him, or to deliver unto his hands, either meat, drink, money, or any other necessaries. A most barbarous & illegall cruelty! so much complained of by your selves in your *Petition & Remonstrance to the King*, 1. Decemb. 1641. (n) and detested & abhorred there, by you, as actions & cruelties be-

L

ing

i Col. declar.
p. 264. 281.
494. 497. 654.
694. 696.
k Col. declar.
p. 738. 140.
845.
l Pag. 660.

** Decl. 460.
498. 666. 673.

m Magna
Charta 29.
Sir E. Cook,
= part Instit.
fol. 28. 29.
Rot. 2. B. 3.

n Col. declar.
6, 7, 8.

ng more the proper issues of *Turks, Pagans, Tyrants, and men without*
ny knowledge of God, then of those that have the least spark of Chri-
ianity, Honour, or justice in their breasts. And then while they thus
 tyrannized over your Petitioners husband; they command (as your
 Petitioner is informed) *Mr. Sergeant Finch, Mr. Hearn, Mr. Hale,*
 and *Mr. Glover,* to draw up a Charge against your Petitioners hus-
 band, without giving him the least notice in the world of it, to fit
 himself against the day of his tryall: but contrary to all law, justice,
 and conscience, dealt worse with him, then ever the *Star-chamber*
 did; not only in keeping his Lawyers from him, but even all manner
 of *Councillors & Friends* whatsoever, even at that time when they
 were about to try him: and then of a sudden send a Warrant for
 him to come to their Bar (who had no legall authrity over him) to
 hear his charge read: where he found the Earle of *Manchester* (his
 professed enemy, and the only party (of a Lord) concerned in the
 businesse;) to be his chief Judge, contrary to that just Maxime of
 law, *That no man ought to be both party & judge;* (a practice which
 the unjust *Star-chamber* it self in the days of its tyranny, did blush
 at, and refuse to practise, as was often seen in the Lord *Coventries*
case, &c.) And without any regard to the Earl of *Manchesters im-*
peachment (in your House) of treachery to his countrey, by *L. Gen.*
Cromwel, which is commonly reported to be punctually and fully
 proved, & a charge of a higher nature then the Earl of *Strafford,*
 for which he lost his head: And which also renders him, so long as
 he stands so impeached; uncapable, in any sense, of being a Judge.
 And a great wrong and injustice it is to the *kingdome;* to permit
 him; and to himself, if innocent; not to have had a legall tryall ere
 this, to his justification or condemnation. And besides all this, be-
 cause your *Petitioners husband* stood to his appeal to your *Honours,*
 and would not betray *Englands liberties;* which you have, all of
 you, sworn to preserve, maintain, and defend: they most arbitrar-
 ily, illegally, and tyrannically, sentenced your Petitioners said hus-
 band to pay 4000. l. to the King (not to the State) & for ever to be
 uncapable to beare any Office in Church or Common-wealth, either
Martiall or Civill, and to lie 7. years a prisoner in the extraordina-
 ry chargeable prison of the Tower; where he is in many particulars
 illegally dealt withall, as he was when he was in *Newgate.*

Now forasmuch as the *Lords,* as they claim themselves to bee a
 House

House of Peers, have no legall judgement about Commoners, that your Petitioner can heare of, but what is expresse in the Statute of the 14. Ed. 3. 5. which are *delays of justice, or error in judgement in inferior Courts only*; and that with such limitations and qualifications as are there expresse; which are, that there shall be one Bishop at least in the judgement, & an expresse Commission from the King, for their meddling with it. All which was wanting in the case of your Petitioners husband, being begun and ended by themselves alone. And also seeing that by the 29 of *Magna Charta*, your Petitioners husband, or any other Commoner whatsoever; in criminall cases, are not to be tried otherwise then by their Peers: which Sir Ed: Cook in his exposition of *Magna Charta*, (which book is printed by your own speciall authority) saith, is meant [equals] fol. 28. In which (saith he, fol. 29.) are comprized Knights, Esquires, Gentlemen Citizens, Women, & Burgeses of severall degrees; but no Lords of Parliament. And in p. 46. he saith: No man shall be disseised [that is, put out of seison, or dispossessed of his freehold; that is, saith he, lands or livelihood, or of his liberties or free customes,] that is, of such franchises and freedoms, and free customes as belong to him by his free Birth-right, unlesse it be by the lawfull judgement, (that is, verdict of his Equals; that is, saith he, of men of his own condition:)] or by the law of the land; that is (to speak it once for all) By the due course & processe of law. And saith he, no man shall be in any sort destroyed unlesse it be by the verdict and judgement of his Peers, that is, equals, or by the law of the land. And the Lords themselves in old time did truly confesse: That for them to give judgement of a Commoner in a criminall case, is contrary to law; as is clear by the Parliaments record in the case of Sir Simon d' Bereford 4. Ed. 3. Rot. 2. (the true copy of which is in the hands of M. H. Martyn) & they there record it, That his case who was condemned by them for murdering King Edw. 2. shall not be drawn, in future time, into president, because it was contrary to law, they being not his Peers, that is, his Equals. And forasmuch as the maner of their proceedings was contrary to all the former ways of the law publickly established by Parliament in this kingdom, as appears by severall Statutes (o) which expressly say, "That none shall be imprisoned, nor put out of his freehold, nor of his franchises, nor free customes, unless it be by the law of the land, and that none shall be taken by Petition, or suggestion

o 5. Ed. 3. 5.
25. Ed. 3. 4.
28. E 3. 3. 37.
Ed. 3. 8. 38. Ed.
3. 9. 42. Ed. 3.
3. 17. Ri 2. 6.
Rot. Parl. 43.
E. 3. Sir Io A-
lces case, num:
21, 22, 23. &c.
lib. 10. fol 74.
In case declar.
Marshalles, &c
Cook, 2. part
Instit. fol. 46.

p Par. In-
stit. 51.

Rot. part 2.
1. H. 4. mem. 2.
num. 1. 27.
Instit. f. 51.
Book declar.
58, 39, 278,
845.

q 2 part. instit.
fol. 52, 53.

“made to the King, or to his Councel, unlesse it be by indictment,
“or presentment of good and lawfull people of the same neigh-
borhood, where such deeds be done, in due manner, or by proceſſe
made, or by Writ original at the common-law. Which Statutes are
nominally and expreſſy confirmed by the *Petition of Right*, by the
*Act made this present Parliament for the abolishing the Star-cham-
ber*; and thereby, all acts repealed that formerly were made in de-
rogation of them. But contrary hereunto, the Lords (like those
wicked Justices spoken of by Sir *Ed. Cook* (p) in stead of trying
her husband by the law of the land; proceed against him by a par-
tiall tryall, flowing from their arbitrary will, pleasure, and discreti-
on, &c. (*) For, though they summoned him up to their Bar, *June*
10. 1646. to answer a *Charge*; yet they refused to shew it him, or
give him a Copy of it, but committed him to *Newgate June 11.*
1646, (although he behaved himself then with respect towards
them both in word and gesture) meerly for refusing to answer to
their *Spanish Inquisition-like Interrogatories*, and for delivering his
legall Protestation, Their *Mittimus* being as illegall as their sum-
moning of him, and their own proceedings with him. Their com-
mitment running, *To be kept there*: not till he be delivered by due
course of Law; but, *During their pleasure*: which Sir *Edw. Cooke*
saith, is illegall (q) and then locked up close, that so he might bee in
an impossibility to understand how they intended to proceed a-
gainst him.

Wherefore your Petitioner humbly prayeth, to grant unto her
husband the benefit of the law, & to admit him to your Bar him-
self, to plead his own cause, if you be not satisfied in the manner of
his proceedings, or else according to law, justice, & that duty and
obligation that lyeth upon you; forthwith to release him from his
unjust imprisonment: & to restrain & prohibit the illegal & arbi-
trary proceedings of the *Lords*, according to that *sufficient power*
instated upon you, for the enabling you faithfully to discharge the
trust reposed in you, and to vacuate this his illegall sentence and
fine, and to give him just and honorable reparations from the *Lords*,
and all those that have unjustly executed their unjust *Commands*:
It being a *Rule in Law* and a *Maxime* made use of by your selves
in your *Declaration 2. November, 1643.* (r) *That the Kings illegall*
commands, though accompanied with his presence, do not excuse those
that

that obey them; much lesse the Lords: with which the Law accordeth, and so was resolved by the Judges; 16. Hen. 6. (s) And that you will legally and judicially examine the Crimes of the Earle of Manchester, and Colonell King, (which the Petitioners husband, and others, have so often complained to you of,) and do exemplary justice upon them, according to their deserts: or else, according to Law and Justice, punish those (if any) that have falsly complained of them. (t) And that you would, without further delay, give us reliefe by doing us justice. (v) All which, she the rather earnestly desireth, because his imprisonment in the Tower is extraordinary chargeable and insupportable: (although by right, and the custome of that place, his fees, chamber, and diet, ought to be allowed him, and paid out of the Treasure of the Crown,) he having wasted and spent himself with almost six years attendance, and expectation upon your Honours for justice and reparations against his barbarous sentence, &c. of the Star-chamber, to his extraordinary charge and dammage, and yet never received a penny; and also lost divers hundred pounds, the year he was a prisoner in Oxford Castle for you. Neither can he receive his Arrears (the price of his blood) for his faithfull service with the Earl of Manchester, although he spent with him much of his own money.

And the last yeare by the unadvised meanes of some Members of this Honourable House, was committed prisoner for above 3. Moneths, to his extraordinary charges and expences: And yet in conclusion he was releast, and to this day knoweth not wherefore he was imprisoned: For which, according to Law and Justice, hee ought to receive reparations; but yet he never had a peny.

All which particulars considered, doe render the condition of your Petitioner, her husband and children, to be very nigh ruine and destruction, unlesse your speedy and long-expected justice, prevent the same. Which your Petitioner doth earnestly intreat at your hands, as her right, and that which in equity, honour, & conscience, cannot be denied her. (w)

And as in duty bound, she shall ever pray, that your hearts may be kept upright, and thereby enabled timely and faithfullly to discharge the duty you owe to the Kingdome, according to the Great

See Cook
2 part instir. f.
187.

t. 3. E. 33. 2. R.
2. 5. 37. E. 3. 18
38 E. 3. 9.
12. R. 2. 11.
17. R. 2. 6.
22. p. & M. 3.
1. E. 1. 6.
v 9. H. 3. 29.
2. E. 3. 8.
5. E. 3. 9. 14.
E. 3. 14. 11. E
2. 10.

vv col. declar
127, 174, 244
253, 282, 284
285, 312, 313
321, 322, 467
490, 514, 516
520, 521, 532
533, 534, 535
537, 539,
541, 543, 555
560.

Great Trust reposed in you : And so free your selves from giving cause to be judged men that seek your selves more then the publike good.

We will only speak two or three words to one thing, more fully mentioned in her Petition ; and to another thing not mentioned at all in her Petition, very requisite to be taken notice of, in the manner of his Tryall ; which is, That by Law it ought to have been publike.

Now for the first of these, which is the illegallity of all their Warrants, they committed him by, learned and grave Sir *Edward Cooke*, in his most excellent, worthy, and pretious Exposition of the 29. Chapter of *Magna Charta*, his 2. Part. Institut. fol. 52. saith thus ;

Now seeing that no man can be taken, arrested, attached, or imprisoned, but by due processe of Law, and according to the Law of the Land, these conclusions hereupon do follow,

First, that a commitment by lawfull Warrant, either in deed, or in law, is accounted in law due, processe, or proceeding of Law ; and by the Law of the Land, as well as by processe, by force of the Kings Writ.

Secondly, That he, or they, which do commit them, have lawfull authority.

Thirdly, that this *Warrant* or *Mittimus* be lawfull, and that must be in writing, under his hand and scale.

Fourthly, the cause must be contained in the Warrant ; as for Treason, Fellony, &c. or for suspicion of Treason, or Fellony, &c. Otherwise, if the *Mittimus*, contain no cause at all [*it is illegall*] And if the prisoner escape, it is no offence at all ; Whereas, if the *Mittimus* contained the cause ; the escape were Treason or Fellony, though he were not guilty of the offence : and therefore, for the Kings benefit, and that the prisoner may be the more safely kept ; the *Mittimus* ought to contain the cause.

Fifthly, the *Warrant* or *Mittimus* containing a lawfull cause, ought to have a lawfull conclusion, viz. *and him safely to keep, until he be delivered by Law, &c.* and not untill the party committing doth further order ; And this doth evidently appear by the Writs of

of *abe He Corpus*, born in the Kings-Bench, Common-Pleas, Exchequer, and Chancery. See pag. 52, 53. 2. part. *Institur.*

R *Ex Vicecom. London. Salutem. Precipimus vobis quod corpus, A.B. in custodia vestra detent. ut dicitur, una cum causa detentionis sua quocunq; nomine pr ad. A.B. censeatur in eisdem, habeatis coram nobis apud Westm. Die Jovis prox. post, Octabis St. Martii in submittend. & recipend. ea, qua curia nostra de eo, ad tunc, & ibidem ordinari contigerit in hac parte, & hoc nullatenus omittatis periculo incumbente: & habeatis ibi hoc breve. Teste Edw. Cook 20. Novemb. Anno Regni nostri 10.* Our of the Kings Bench,

T He King to the Sheriffs of Lon. greeting. We command you, that you have the body of A.B. (now detained in your custody as is said) together with the cause of this detention by what Name soever the said A.B. be called therein) before Us at Westminster, upon Thursday, Eight dayes after the Feast of St. Martins, to submit, and receive what Our Court shall then and there order concerning him. Faile not hereof, at your perill, and see that you have there this Writ. Witnesse, Edw: Cook, 20. Nov. and the Tenth Yeare of Our Raign.

This

This is the usuall forme of the Writ of Habeas Corpus, in the Kings-Bench, vide Mich. 5. Edw. 4. Rot. 143. Coram Rege, Kears Case, under the Test of Sir John Markeham.

In the common pleas for any man privileged in that Court, & the like in the Exchequer,

REX Vicecom. London. salutem. Prasipimus vobis quod habeatis Coram Justiciariis nostris, apud Westm. Die jovis prox. post quinque Septiman. Pasche, corpus A. B. quocunque nomine censeatur, in prisoa vestra, sub custodia vestra detent. ut dicitur, una cum die. & causa captionis & detentionis ejusdem, ut iidem Justiciar. nostri, visa causa illa, ulterius fieri fac. quod de jure, & secundum legem, & consuetudinem Regni nostri Angliae for. et faciend. & habeatis ibi hoc breve. Test, &c.

THE King to the Sheriffes of London, greeting. We command you, that you have before Our Justices at Westminster, upon Thursday next, five weekes after Easter, the Body of A. B. by what Name soever he be called, being detained in your Prison under your custody, together with the day and cause of his Caption, to the end, that Our said Justices having seen the cause, may further doe, that which of right, and according to the Law and Custome of Our Realm
of

of England ought to have done, or have there this Writ: *Witnesse, &c.*

The like Writ is to be granted out of the Chancery, either in the time of the Term; (as in the Kings-Bench) or in the vacation: for the Court of Chancery is *officina justitie*, and is ever open, and never adjourned; so as the subject being wrongfully imprisoned, may have Justice for the liberty of his person; as well in the Vacation-time, as in the Terme.

By these Writs, it manifestly appeareth, that no man ought to be imprisoned, but for some certain cause; and these words, *Ad subjiciendū & recipiendū, &c.* prove, that cause must be shewed: for otherwise, how can the Court take order therein, according to Law?

And this is agreeable with that which is said in Holy History, *sine ratione mihi videtur, mittere vinctum in carcerem, & causas ejus non significare*. But since we wrote these things, & passed over too many other *Acts of Parliament*; see now the *Petition of Right, Anno tertio Caroli Regi*: resolved in full Parliament by the King, the Lords Spiritual and Temporall, and the Commons which hath made an end of this question (if any were) Imprisonment doth not only extend to false imprisonment, and unjust; but for detaining of the prisoner longer then hee ought, where hee was at the first lawfully imprisoned.

If the Kings Writ come to the Sheriffe, deliver to the prisoner; If he detain him, this detaining is an imprisonment against the law of the land, &c.

But look upon all the *Warrants*; (by vertue of which, the Lords committed; and close-committed Lieut. Col. *Lilburn*;) and you shal not find one legall one amongst them all.

Now, for the second thing before spoken of, in the manner of his tryall; which is, *That it ought by Law to have been publike, in the presence of all that had a mind to have heard it, without any restraint of any.*

This I find to be claimed by Mr. *Pryn*, at the tryall of Colonell *Nat. Fines*, in the 11. page of his relation thereof; which he desi-

red, " That they might have a publike hearing, and that the dore might be set open, and none excluded that would come in; the
 " which (he saith) he desired the rather; because, the Parliament,
 " the representative Body of the Kingdome, had ordered a fair and
 " equall tryall; which he conceived (as he told the Councell of
 " Warre) was to be a free and open one, agreeable (as he saith) to
 " the proceedings of Parliament, and all other Courts of Justice in
 " the Realm, which stand open to all; and from whence, no Au-
 " ditors are, or ought to be excluded.

To which Mr. *Dorilla* answered, that it was *against the stile & course of a Court-Marshal to be publike and open; and therefore, it might not be admitted upon any termes.*

Unto which Mr. *Will. Pryn* replied; " that hee was a com-
 " mon-Lawyer, and by his profession, his late Protestation, and
 " Covenant, bound to maintain the fundamental laws of the king-
 " dome, and liberty of the Subject, which he told the Councell of
 " Warr, they themselves had taken vp Armes, &c. to defend and
 " maintain; And, *saith he*, by the Lawes and Statutes of the
 " Realm, all Courts of Justice ever have been, are, and ought to be
 " held openly and publikely, not close, like a Cabinet-Councell;
 " Witnesse, all Courts of Justice at Westminster, and else-where;
 " yea, all our Assizes, Sessions, wherein men, though indicted but
 " for a private Felony, Murder, or trespassse, have alwayes open try-
 " als: He goes on, and in the 12. page thereof, tells him; that not
 " only Courts of common-Law, but the Admiralty, and all other
 " Courts, proceeding by the Rules of either of the civill, or canon-
 " Law, the proceedings have ever been publike, and the Courts
 " open, and even in late proceedings by Martiall Law, before a
 " Conncell of Warre, at the Guild-Hall of *London*, at the tryall of
 " Mr. *Tompkins*, *Challoner*, and others, it was publike, and open in
 " presence of both Houses of Parliament, and the whole City; no
 " comers being thence excluded. And he positively tels the Coun-
 " cell of Warre, a little further; that it was both against the laws,
 " and subjects liberty (as he humbly conceived) to deny any pro-
 " secutor, or subject, an open tryall.

And he gives divers reasons there, for it; he goes on, and in the
 13. page saith, *That the Parliament when it sits as a Conncell, to*
consult, debate, or deliberate of the great and weighty affaires of the
King-

Kingdome, is alwayes private, and none but the Members or Officers of either House admitted to their consultations and debates. But (saith he) as the Parliament is a Court of Justice, to punish Malefactors; so the proceedings of both, or either House are alwayes publike, as appears by the late Tryall of the Earle of Strafford, in Westminster-Hall, and infinite other presidents of antient and present time;

To which, I may adde, the Tryall of *William Laud*, late Archbishop of Canterbury. And this practice is suitable to what we read in Scripture; that among the *Iewes*, the Iudges sate openly in the City Gates, the most publike place of all. And truly, he or they that will not suffer Justice to be executed, and administred openly, bewrayes their own guiltinesse; and do thereby acknowledge, that they are ashamed of their cause. For, saith Christ, John 3. 20, 21. *Every one that doth evill, hateth the light, neither cometh to the light, least his deeds should be reprov'd (or discove'd;) but he that doth truth, cometh to the light, that his deeds may be made manifest, that they are wrought in God.*

But so far were the Lords, from this just way, of permitting Lieutenant Col. *Lilburn*, a publike tryall; that the first time hee came before them, *June 11. 1646*: After he was come into the House, some of his friends, and some strangers stept in, as by Law and Justice they might; But the Earl of *Manchester* (as Speaker of that House) commanded them all to withdraw, which they were forced to doe.

And this I averre, not by hear-say, but out of knowledge. And the second time he came before them, which was *23 June 1646*. It was little otherwise, his friends being turned out of doores, though some of his enemies, scoffers, and deriders, were permitted to stay: And the third time, which was upon the *11. July, 1646*; as I understand, he had much adoe with the dore-keepers, to get his wife to be admitted in; though a great many of the Sheriffes Sharks and Caterpillars, that accompany the Hang-man to Tyburn, the day he doth execution, were freely admitted; & *Hounscoat* the tyrannicall Prelates old-cruell Catchpole, and now the Lords speciall Darling, and Favourite, a man transcendent in basenesse, and wickednesse, and therefore more fit for their Lordships, with some others of their own creatures, were admitted in, as parties fit to

bear false Witnesse against him, and make false reports of his, and his honesty.

And Lieutenant-Colonel *Lilburns* friends were so far from being admitted into the *Lords House*, to see and behold the justnesse of their proceedings; that the doore of the *Painted-Chamber* was locked, and strongly guarded against them: and if any of them in the croud got in there, they had a second barre at their Lordships doore; and if by great chance, they at the opening thereof, crowded in; the Officers that stood at the inner doore, took special care to hinder them from admittance there.

Oh the height of *injustice* and *basenesse*! at the doing of which, or hearing of it, the Lords may justly blush for shame; if they had either any honesty, or ingenuity left in them: and thus much for the first Position.

I come now to the second; which is, That if the Lords were as *Judicature*, y^t they have no jurisdiction over *Commoners*. But this is so fully proved in Mrs. *Lilburns* Petition, that I shall need to say no more to it; but referred the judicious Reader thereunto, and to a Printed Letter written by Mr. *R. OVERTON*, a prisoner in *Newgate* (committed thither by the Lords) to Colonell *HENRY MARTIN*, a Member of the Honourable House of Commons; which Letter, is a most notable rationall peece, worth the reading.

I passe now to the third, which is to give you some reasons, to manifest, that the *LORDS* are no *Judicature* at all.

But here I shall crave leave to informe the Reader that the foregoing discourse, was made and finished above two moneths agoe, and hearing that there was "an Order from the Committee appointed by the House of Commons to consider of the priviledges of the Commons of England, to bring Lieutenant Colonel *Lilburne* up before them; I conceived he would then be at liberty to write himselfe, and his discourse I thought might adde much to strengthen the things I drive at, and desire to declare and prove, and therefore I have sat still without making any progress, to finish this discourse, till this present conclusion of this present month of November 1646. And my expectation I have not failed: for he hath published

lished two notable discourses of his own, and some freind of his, a third, and therefore I shall earnestly desire the studious and inquisitive Reader, for the further illustration and prooffe of the first and second positions layd down in pag. 6. and already handled in pag. 63. 64. 65. 78. &c. serionly to read over the 23. 24. 25. 26. 27. 28. 29. 30. 31. pages of his first book called *Londons Liberty in Chains discovered*, printed Octob. 1646. And the 5. 6. 7. 8. 9. 11. 14. 22. pages of *his speech to the aforesaid Committee* Nov. 6. 1646. and since by him published in print, and called, *An Anatomy of the Lords Tyranny*. And the 23. 24. 37. 38. 39. 40. 41. 42. 43. 44. 46. 47. pages of his friends booke called *Vox Plebis* a most notable discourse) In the 26. 27. 28. 29. 31. 32. pages of which, you may reade his *Charge and sentence* in the House of Lords.

Now having premised this, I returne to the third thing to be handled, which is to give you some reasons, to manifest *that the Lords House are no iudicator at all*.

And for the illustration of this, I shall desire it may be considered, that no iudicature can justly be erected, or set up, unlesse it legally derive power from those that have a legall power to erect, constitute, or institute it, and I thinke this will be granted of all sides.

And therefore let us make inquisition, who (according to law and right in *England*) have an originall and true power to erect iudicatures, and I say, onely the legall Commissioners of the people, commonly called the *Commons of England Assembled in Parliament*, and not the *King*, who is not to give a law unto his people, but his people unto him, as is before largely proved, pages 37. 38. 39. 40. 41. 42. 43. And as he confesseth in his Coronation-Oath, that he hath taken, or ought to have taken, which you may read before, pag. 31. 32. and which is declared by the statute of provisoes of benefices made Anno. 25. Ed. 3. Anodom. 1350. which you may read in the statutes at large, pag. 157. about the midst of which you have these words. „ whereupon the said Commons have prayed
“ our said Lord the King, that sith the right of the Crowne of
“ *England*, and the law of the said Realme is such, that upon
“ the mischietes, and damages, which happen to his Realme,

“ he ought, and is bound by his oath, with the accord of his
 “ people, in his Parliament, thereof to make remedy and law,
 “ and in removing the mischiefes and damages which thereof
 “ insue, that it may please him thereupon to ordaine remedy,
 “ (and it followes in these words.)

“ Our Lord the King seeing the mischiefes and damages be-
 “ fore mentioned, and having regard to the said statute, made in
 “ the time of his said Grandfather, and to the causes contained in
 “ the same, which statute holdeth alwayes his force, and was ne-
 “ ver defeated, repealed, nor adnullled in any point, and by so
 “ much he is bounden by his Oath, to cause the same to be
 “ kept as the Law of his Realme, though that by sufferance and
 “ negligence it hath beene sithence attempted to the contrary,
 &c.

But the House of Peeres neither derive nor challenge their
Judicature, not in the least, either from *Commons in generall* :
 or from their *Commissioners, Deputies, Trustees, or Representatives*
 in *Parliament Assembled*, and therefore are no *legall Judicature*
 at all.

And that they do not derive their power, either from the
 people (under God the absolute and alone fountaine of all true
 power) or their Commissioner, read before pag. 45. where you
 shall finde, that the King (their groundlesse creator) saith, *they*
have their power by blood, and themselves claime it, from no truer
fountaine, then by vertue of their being the Sons of preroga-
tive, Lords, Earles, Dukes, or Barrons.

Now if you please to reade the *Chronicles* of this *Kingdome*,
 you shall find that this thing called *prerogative* flowes meerly
 from the wills and pleasures of *Robbers, Rogues, and Thieves*,
 by vertue of which they made *Dukes, Earles, Barrons, and*
Lords, of their fellow *Robbers, Rogues, and Thieves*, the lineall
 issue, and progeny of which, the present House of *Peers* are,
 having no better right nor title, to their present pretended ju-
 dicature, then meer and absolute usurpation, and the will and
 pleasures of the potent and enslaving *Tyrants, alias Kings*, of
 this *Kingdome* : for I read in *Speeds Chronicle*, pag. 413. 416.
 417. and in *Daniel* pag. 27. 28. That, the Normans in France,
 “ came antiently of a mixt people from the Norwegians, Swe-
 dens

" dens & Danes, & practising practises upon the Coasts of Bel-
 " gia, Frizia, England, Ireland, and France, and proceeded in
 " their hardy and wicked courses even to the Mediterranean Sea:
 " which drove the French to such extremity, that King *Charles*
 " the bald, was forced to give unto *Hasting* a Norman Arch-
 " Pirate, the Earldome of Charters to assuage his fury ex-
 " ercised upon his people, and also King *Charles the Grose*,
 " granted unto *Godfrey* the Norman part of Newstria, with
 " his Daughter in Mariage: yet all this sufficed not but that
 " the Normans by force of Armes, seated themselves neere un-
 " to the mouth of Sein, taking all for their own, that lay com-
 " prised betwixt that River, and the River Loyre: which
 " Country afterwards took the name of Normandy, from those
 " Northern guests, at which time King *Charles the simple*,
 " confirmed it unto *Rollo* their Captaine, and gave unto him his
 " Daughter *Gilla* in Mariage: which *Rollo* with divers mis-
 " doers and outlawed men were forced to flye out of
 " their owa Country: which *Rollo* of the Danish race
 " was the first Duke of Normandy, whose Son *William* was the
 " second Duke of Normandy, and *Richard* his Sonne was the
 " third Duke of that Country, And his Sonne *Richard the se-*
 " cond, was the fourth Duke thereof, And *Richard the third*
 " his Sonne was the fifth Duke of Normandy; And *Robert*
 " his brother, and Sonne to *Richard the second*, was the sixth
 " Duke of Normandy, who was Father to our *William the*
 " Conqueror, who was the seventh Duke of Normandy, whom
 " Duke *Robert* begat of one *Arlet*, or *Arlette* a whore, and a
 " mean woman of *Phalisia* in Normandy, who was the
 " Daughter of a Skinner, & being resolved to go visite the holy
 " Sepulcher, having no more Sonnes but *William* his bastard,
 " he calles his Nobility together, and tells them; In case I dy
 " in my journey, (as he did) I have a little Bastard, of whose
 " worthinesse I have great hope, and I doubt not but he is of
 " my begetting: him will I invest in my Dutchie, as mine
 " heire: and from thenceforth I pray you take him for your
 " Lord; which they did. And this Bastard in his youth ha-
 " ving many sharp bouts and bickerings, with *Roger de Tre-*
 " *ny*, and *William Earle of Arques*, brother to Duke *Robert*,
 " and Sonne to *Richard the second*, &c. who lay claime to
 " the Dutchie, as right and true heires to it, but *William the*
 " Bastard

"stard, being too hard for them all, and by these wars grew to
 "great experience in teares of Armes, which with his marrying
 "of *Matild*, the Daughter of *Baldwin* the fifth, Earle of
 "Flanders, a man of great might and power; provoked the
 "French King to fall upon him, to abate his greatnesse, and
 "curbe his pride: but, bastard *William* twice defeating two
 "powerfull Armies of the Kings with great overthrowes,
 "broke the heart of the King of *France*, which gave the bastard
 "Duke of *Normandy*, joyfull peace: in which calme, the King
 "makes a journey over into *England*, to visite King *Edward*
 "the Confessor his kinsman; who had had his breeding in *Nor-*
 "mandy, by Duke *Richard* the second, the bastards Grandfa-
 "ther. And after his returne back againe; *St. Edward* the King
 "of *England* dyeth. Whereupon, *William* the bastard busieth
 "his thoughts how to obtaine the Crowne, and Scepter of
 "England, unto which he makes certaine pretended claimes,
 "as being granted unto him by King *Edward*; which was
 "but a weake pretence, as King *Harold* in his answer to him
 "informes him; (Speed. 404.) telling him that *Edward* him-
 "selfe coming in by election, and not by any title of inheri-
 "tance; his promise was of no validity, for how could he
 "give that wherein he was not interest? And though *Willi-*
 "am the bastard urgeth to *Harol*, his Oath given him in *Nor-*
 "mandy; yet he answered his Embassadour that his Masters
 "demand was unjust; for that an Oath extorred in time of ex-
 "tremity, cannot binde the maker in Conscience to performe
 "it, for that were to joyne one sin to another: and that this
 "Oath was taken for feare of death, and imprisonment; the
 "Duke himselfe well knew: but (said he) admit it was volun-
 "rary and without feare: could I then a Subject without the
 "allowance of the King, and the whole State, give away the
 "Crownes Succession to the prejudice of both? Speed. fol.
 403. 404.

"But although the bastard Duke had no better claime but
 "this, which was worth just nothing at all; (Reade before pag.
 "20. 21. 24. 27. 28 39. 60. 61.) Yet notwithstanding
 "William the bastard perseveres, in his proud, wicked, and
 "bloody intentions: and calles an Assembly of the States of
 Nor-

" Normandy together, and with importunate sollicitations soli-
 " cits them to supply him with money (the very sinews of war)
 " to carry on his intended invasion of *England*; but they una-
 " nimously refuse and decline it. At length seeing this protracti-
 " on and difficulty in general, he deals with his dearest and most
 " trusty friends in particular, being such as he knew affected the
 " glory of action, and would adventure their whole estates with
 " him; As *William Fitz-Auber, Count de Bretteville, Gualter*
 " *Gifford Earle Longueville, Roger de Beaumont*, with others; e-
 " specially his own brothers by the mother, whom he had made
 " great; as *Odo Bishop of Baynox*, and *Robert Earle of Mor-*
 " *taign*: and unto these he shewed his pretended right and hope
 " of *England*, (wherein preferment lay) even to the meanest a-
 " mongst them, onely money was the want, which they might
 " spare, neither should that be given nor lent without a plentiful
 " increase. With such faire words he drew them so on, that they
 " strove who should give most. And by this policie he gathered
 " such a masse of money, as was sufficient to defray the warre.
 " And not onely wan he the people of his own Provinces to un-
 " dertake this action, but drew by his faire perswasions and large
 " promises, most of the greatest Princes and Nobles of *France*
 " to adventure their persons, and much of their estates with him;
 " as *Robert Fitz-Harrays Duke of Orleance*, the Earles of *Brit-*
 " *tagne, Fonthieu, Bologne, Poictou, Maine, Nevers, Hicfins, Au-*
 " *mal, le Signieur de Tours*, and even his mortall enemy *Martel*
 " Earle of *Anjou*, became to be as forward as any. Besides, to a-
 " mize the Court of *France*, and dazzle a young Prince then
 " King, he promised faithfully if he conquered this Kingdome,
 " to hold it of him, as he did the Dutchy of *Normandy*, and doe
 " him homage for the same. And then to make all sure with
 " Pope *Alexander* (whose thunder-bolts of Excommunication
 " were then of extraordinary dread and terror) he promised him
 " to hold it of the Apostolick See, if hee prevailed in his enter-
 " prize. Whereupon the Pope sent him a Banner of the Church,
 " with an *Agnus* of gold, and one of the haies of *St. Peter*,
 " which was no small cause of prevailing, the base Clergy being
 " then at the Popes beck, and more minding their own particular
 " self-interest, then the welfare of their own native Countrey, or
 N the

" the lives, liberties & estates of their brethren according to the
 " flesh; & thereupon were the principall instrumentall cause, that
 " *William the Bastard*, commonly called, *William the Conqueror*,
 " had so easie an entrance to the possession of this kingdome.
Speed fol. 403. 404. 405. 406. 413. 417. Daniel fol. 28, 29, 35, 36.
 By means of which, the Clergy betraied their native Countrey
 to Robbers and Pirats, and left the poore Commons to the mer-
 cilesse fury of mercilesse men. And I wish they doe not now a-
 gain the same with poore *England*, now in her great distracti-
 ons: for their interest is visible not to be the publickes; but their
pride, covetousnesse, and greatnesse. Therefore, O yee Commons
 of *England*, beware of them, and take heed you trust them not
 too much, lest you be so deluded by them, to your ruine and de-
 struction.

And when *William* by their means principally, as *Daniel* saith, *fo.*
36. had got possession of the Kingdom, as you may partly before-
 read, p. 14, 15, 16, 17.) how extraordinary tyrannically he dealt
 with the poor natives and inhabitants, " By changing their laws,
 " and robbing them of their goods, and lands, at his will and plea-
 " sure, and gave them away to his *Norman Robbers*. And the
 " poor *Englishmen* having all their livelihoods taken from them,
 " became slaves and vassals unto those Lords to whom the pos-
 " sessions were given. And if by their diligence afterwarde,
 " they could attain any portion of ground; they held it but onely
 " so long as it pleased their Lords, without having any estates
 " for themselves, or their children, and were oftentimes violently
 " cast out upon any small displeasure, contrary to all right. *Daniel*
fo. 47. Speed 421, 423, 425. Insomuch that in those days it was a
 " shame even among *Englishmen*, to be an *Englishman*, *Speed. fol.*
422. 429. By means of all which, he bestowed great rewards upo-
 " all those great men that came along with him, and made them
 " by his will the great men of *England* to help him to hold the
 " people in subjection, bondage and slavery: for he made *Willi-*
 " *am Fitz-Auber* the *Norman* (the principall man under him to
 " help for his designe) Earle of *Hartford*, who singly of himselve
 " took upon him, meerly by the power of his own will, to make
 " Lawes in his own Earldome. And unto *Allayn*, another of his
 " Comrades, or trusty and well-beloved Consins, he gave all the
 a nds

“lands of Earle *Edwin*, whereon he built a Castle, and whereof
 “he made the Earldome of *Richmond*. And unto *William* of
 “*Warren*, another of his *Norman Robbers & Murderers*, he gave
 “the Earldome of *Surrey*. *Speed fol. 437*. And unto *Walter Bi-*
 “shop of *Durham*, another of his *Comrades*, he sold the Earl-
 “dome of *Northumberland*, who there by the law of his *towne*
 “will, maintained *Murderers and Rogues*, and there was murde-
 “red himselfe.

And unto his Brothers (who came of his mother *Arlet* the
 Whore, who after *William* the Bastard was borne, was married
 to *Harlain*, a *Norman*, a Gentleman but of mean substance) *Odo*
 and *Robert*, he gave the Earldome of *Ewe*, and *Mortaigne*. *Speed*
417. Daniel 32. And afterwards *Odo* Earle of *Kent*, and after
 that in his absence *Vice-Roy* of *England*. And how this Beggar
 (now set on Horse-back) governed this poore distressed king-
 dome, let the Conquerors own speech declare, recorded by
Speed, fol. 431. At the time when *William* came out of *Normandy*, &
 found his brother *Odo* (a Bishop as well as an Earle) at the Isle of
Wight, with divers Noble men and Knights his attendants, then going
 to *Rome* with an expectation there to be Pope, being grown extraor-
 dinary rich with his polling of this poore Kingdome. Vpon which, the
 King in presence of his Nobles, thus spake :

Excellent Peeres, I beseech you hearken to my words, and give me
 your counsell. At my sailing into *Normandy*, I left *England* to the
 government of **ODO MY BROTHER**, who (a little
 further in his speech hee saith) hath greatly oppressed *England*,
 spoyling the Churches of land and rents, hath made them naked of
 Ornaments given by our predecessors, and hath seduced my
 Knights, with purpose to train them over the *Alps*, who ought to
 defend the land against the Nations of *Scots, Danes, Irish*, and other
 enemies over-strong for me. And (a little below that) my brother,
 saith he, to Whom I committed the whole kingdom, violently plucketh
 away their goods, cruelly grindeth the poore; and, with a vain hope,
 stealeth away my Knights from me, and by oppression hath exasper-
 ated the whole land with unjust taxations. Consider therefore, most
NOBLE LORDS, and give mee, I pray you, your advice,
 what is herein to be done : And in conclusion, the King adjudged him
 to prison, yet not as a Bishop, (who then, it seemes, had large ex-

emptions, but as an Earl, subject to the lawes and censure of his King. Which accordingly (saith Speed) was done, upon seizure of estate, this Prelate was whose fount so well lined in purse, that his heaps of yellow mettles did move admiration to the beholders.

So that here you have the true story of the subversion of the ancient manner of Parliaments, & the ancient Lawes and Liberties of Government of this Kingdome, and a Law innovated, and introduced, flowing meerly from the will of a Bastard, Thief, Robber, & tyrant. You have here also a true Declaration of the original rise of the pretended legislative power of *Earles, Lords, and Barons, the Peers, Competitors, and trusty and wel-beloved Cousins, and Hereditary Counsellors* of our Kings, which was meerly and only from the wills and pleasures of this cruell and bloody Tyrant, and his Successors; And no better claime have our present house of Peers either for their legislative power, or judicative power, then this, as is cleerly manifest by their own fore-mentioned Declaration, cited pag. 45. and therefore say I, are no legall Judicature at all, nor have no true legislative, or law-making power at all in them; having never in the least derived it from the people, the true legislators and fountain of power; from whom only, and alone, must be fetched all derivative power, that either will or can be esteemed just: And therefore the Lords challenging all the power they have by their blood, and deriving it from no other fountain but the *Kings Letters-Patents*, flowing meerly from his will & pleasure; I groundedly conclude, they have thereby no judicative power; no, nor legislative power at all in them: for the King cannot give more to them, then he himself hath; and he hath neither of these powers, (*viz. a judicative power, nor a legislative power*) inherent in him; as is strongly, undeniably, and unanswerably proved before, in pag. 43, 44, 46, 47, 60, 61.

And therefore away with the pretended power of the Lords; up with it by the roots, and let them sit no longer as they do, unlesse they will put themselves upon the love of their Country, to be freely thereby chosen as their Commissioners to sit in Parliament (for I am sure, in right, all their actions now, are unbinding, and unindivallid) which becomes you.

O all ye Free-men or Commoners of *England*, out of that duty you ow to your selves, yours, and your native Country, throughly, and

and home, to set forth, by *Petition* to your own **HOUSE** of **COMMONS**, and to desire them speedily to remove them, before the *Kingdome* be destroyed, by their crosse, proud, and inconsistent interest : for little do you know, what *Scotch-ale* divers of them are now brewing.

Read the Histories of *William* the Conqueror, and you shall easily find, that the pride and contention of those *English-men* that were called Lords amongst themselves, was no small cause of the losing of this Kingdome to that Tyrant : for saith *Speed*, fol. 409. *After the Normans had slain King Harold, and overthrown his Army, the two great Earles of Yorkshire, and Cheshire, Morcar and Edwine coming to London, where the Londoners, &c. would gladly have set up Edgar Atheling the true Heire to the Crown, to have been their Captain Generall, to have defended them from the powerfull Norman Invaders, who now was exceedingly fleshed with his victory, and now likely to over-run the whole Land : yet such was the pride and basenesse of these two great Loras, that the misery, distresse, and fearfull estate of their native Country, could not dissuade from their ambition, plotting secretly to get the Crown to themselves, which hindered that wise and noble design, and totally lost their native Country.*

O COMMONS OF ENGLAND, therefore beware of them, and have a jealous eye over them ; and take heed, that when it comes to the pinch, they serve you not such another trick again.

For I am sure, their interest is not yours, nor the publikes, neither is it consistent with their ends, that you should enjoy Justice, or your undeniable and just rights, liberties, and freedoms.

And well to this purpose, saith *Daniel* (pag. 36.) “ That after the Bishops and the Clergy had shewed their aversnesse, to the erecting of that probable meanes that was propounded to hinder the theevish invader) the Nobility, considering they were so born, and must have a King (and therefore considering of his power) made them strive, and run head-long, who should bee the first to pre-occupate the grace of servitude, and intrude them into forraign subjection.

So that the poor Commons (like a strong vessell, that saith hee
(might

(might have been for good use) were hereby left without a stem, and could not move regularly, trusting and resting it seems too much upon those Lords; which I call the broken Reeds of Egypt, by whom they were undone.

But for the further clearing of the Originall of the House of Peers pretended power, I shall desire the understanding Reader, to read over a little Treatise, printed in Anno, 1641. called *The manner of holding of Parliaments in England*, in the 28. pag. hee saith, "King Harold being overcome, William the 1. King and Conqueror, having obtained the Sovereignty, according to his pleasure bestowed Dignities and Honours upon his companions, and others: Some of them so connext and conjoynd unto the Fees themselves, that yet to this day, the possessors thereof may seem to be inabled, even with the possession of the places only: as our Bishops at this day, by reason of the Baronies joynd unto their Bishopricks, enjoy the title and preheminance of Barons in highest Assemblies of the Kingdome in Parliament: he gave and granted to others Dignities, and Honours, together with the Lands and Fees themselves: hee gave to Hugh Lupus his kinsman (a Norman, and sonne to Emma, sister to the Conqueror by the Mother) the Earldome of Chester, *Ad conquerendum Angliā per Coronam* (that is in English, to conquer and hold to himself and his Heires, as free by the Sword, as the King of England held it by his Crown) to HANNVS RVFVS (then Earl of Britain in France) the Earldome of Richmond. *Ita libere & honorifice, ut eundem Edwinus Comes antea tenuerat* (that is, in English) as freely and honourably, as Edwine Earle held it before.) And the Earldome of Arundel (which Harrold possessed) he granted with a fee unto Roger of Montgomery.

And in page 33. the same Author declares, "That Kings sometimes not regarding the Solemnities of Ceremonies and Charters, have only by their becks suffered Dignities and Honours to be transferred.

So that by what I am able to gather out of ancient Histories; William the Conquerour absolutely subdued the Rights and Priviledges of Parliaments held in England before this time: The manner

manner of holding of which, as the same Author (in his first page) declares, was by the discreet sort of the Kingdome of England rehearsed, and shewed unto the Conquerour; which (as hee saith) he approved of. And the same doth John Minshew say in his Dictionary published and printed at London, July 22. 1625. fol. 526. his words are these: In England the PARLIAMENT is called for the debating of matters touching the Common-wealth, and especially the making and correcting of Lawes: which Assembly, or Court, is of all other the highest, and of greatest authority, as you may read in Sir Thomas Smith, *de Re. Angl. lib. 2. cap. 1. & 2. Cambd. Brit. & Compt. Juris. fol. 1.* And see the Institution of this Court, Polydor Virgil, lib. 11. of his Chronicles, referreth after a sort, to Henry 1. yet confessing, that it was used before, though very seldome. You may find, saith he, in the former Prologue of the grand Customary of Normandy, That the Normans used the same meanes in making their lawes. In a Monument of Antiquity shewing the manner of holding this Parliament in the time of King Edward, the sonne of King Etheldred, which (as the Note saith) was delivered by the discreeter sort of the Realm, to William the Conqueror, and allowed by him. This writing began thus: *Rex est Caput, &c.* See more, saith he, of the course and order of this Parliament, in *Compt. Juris. fol. 1. &c.* And VOWEL, alias Hooker, in his Book purposely written of this matter; Powels book called the *Attorneys Academy*. Read Mr. William Prynnes first part of the SOVERAIGNE POWER OF PARLIAMENTS AND KINGDOMES, printed by the authority of this present Parliament, pag. 42, 43, 44.

William the Conqueror having (as to me is clearly evident) subdued Parliaments, their power, authority, priviledges and jurisdiction; did set up by the absolute law of his own will for his Compeeres, Couzens, and Counsellors, such men who had most pleased him in vassalizing and enslaving this kingdom and the people thereof; in whose steps severall of his successors after him did tread, So that the kingdome was ruled and governed by the King, and his Prerogative Nobles, and by lawes flowing from their wills and pleasures, and not made by common consent, by the peoples commissions assembled in Parliament, as it is now at this day; but he and his successors giving such large Charters to their Compeeres and

great

great Lords, as to one to be Lord great Chamberlain of England; another Lord Constable of England; to another, Lord Admirall of England, &c. By meanes of which they had such vast power in the kingdome, (having then at their beck all the chiefe Gentlemen and Free-holders of England, that used to wait upon them in *blew jackets* : so that they were upon any discontent able to combine against their Kings, their absolute creators, and hold their noses to the grind-stone, and rather give a Law unto them, then receive a law from them : in which great streits our former Kings, for curbing the greatnesse of these their meere creatures, now grown insolent; were forced to give new Charters, Commissions and Writs unto the Commons (then generally absolute vassals,) to choose so many Knights and Burgeses, as they in their own breasts should think fit to be able, by joyning with them, to curb their potent and insolent Lords, or trusty and well-beloved Cousins, which was all the end they first called the Commons together for; yet this good came out of it, that by degrees the Commons came to understand in a greater measure, their rights, and to know their own power and strength. By means of which, with much struggling, we in this age come to enjoy what wee have, by *Magna Charta*, the *Petition of Right*, and the good and just Lawes made this present Parliament, &c. which yet is nothing nigh so much as by right we ought to enjoy : For the fore-mentioned Author of the book called, *The manner of holding Parliaments in England*, as 20, 21. pages declares plainly, that in times by-past, there was neither Bishop, Earle nor Baron; and yet even then Kings kept Parliaments. And though since by incursion, Bishops, Earles and Barons, have been by the Kings prerogative Charters summoned to sit in Parliament; yet notwithstanding the King may hold a Parliament with the Commonalty or Commons of the Kingdome, without Bishops, Earles and Barons.

And before the Conquest he positively declares, it was a right, that all things which are to be affirmed or informed, granted or denied, or to be done by the Parliament, must be granted by the Commonalty of the Parliament; who (he affirms) might refuse (though summoned) to come to Parliament, in case the King did not governe them as he ought, unto whom it was lawfull in particular to point out the Articles in which he misgoverned them.

And

And suitable to this purpose, is Mr. *John Vowell's* judgment; which Mr. *Pryn* in his above-mentioned book, pag. 43. cites out of *H. linsh. Chro. of Ireland, fol. 127, 128.* His words (as Mr. *Pryn* cites them) are thus: "Yet neverthelesse, if the King in due order have summoned all his Lords and Barons, and they wil not come; or if they come, they will not yet appear; or if they come & appear, yet will not do or yeeld to any thing: Then the King with the consent of his Commons, may ordain and establish any Acts or Lawes, which are as good, sufficient, and effectual, as if the Lords had given their consents; but on the contrary, if the Commons be summoned, and will not come, or coming, will not appear; or appearing, will not consent to do any thing, alleadging some just, weighty, and great cause: The King in these cases (*) cannot with his Lords devise, make or establish any Law. The reasons are, when Parliaments were first begun, and ordained, THERE WERE NO PRELATES OR BARONS OF THE PARLIAMENT, AND THE TEMPORALL LORDS were very few, or none; and then the King, and his Commons did make a full Parliament; which authority was never hitherto abridged.

Again, every Baron in Parliament doth represent *but his owne person*, and speaketh in the behalf of himself alone.

But the *Knights, Citizens, and Burgeses*, are represented in the Commons of the whole Realm; and every of these giveth not consent for himself, but for all those also, for whom he is sent: And the King with the consent of his COMMONS, had ever a sufficient and full authority, to *make, ordain, and establish* good wholesome Lawes for the Common-wealth of his Realm.

Wherefore, the Lords being lawfully summoned, and yet refusing to come, sit, or consent in Parliament, cannot by their folly abridge the King and the Commons, of their lawfull proceedings in Parliament.

Thus, and more *John Vowell*, alias *Hooker*, in his order & usage how to keep a Parliament (which begins in the foresaid History: pag. 121. and continues to pag. 130. printed *Cum Privilegio*.) And Sir *Edwarda Cook* in his *Institutes on Magna Charta*, proves, That the Lords and Peers in many Charters and Acts, are included under the name of the Commons or Commonalty of Eng-

* *Cromptons*
jurisdiction of
courts, fo. 84

Hen. 7. 18.

H. 7. 14.

1. H. 7. 27.

Parliament

42. 76. 334

H 6. 17. d-

judged according to
privilege, 134.

land. And in his Exposition of the second Chapter of *Magna Charta* 2. part *Institutes*. fol. 5. He declares, that when the *Great Charter* was made, there was not in *England* either Dukes, Marquesses, or Viscounts : So that to be sure, they are all Innovators and Intruders, and can claime no originall or true interest to sit in Parliament, sith they are neither instituted by common consent, nor yet had any being from the first beginnings of Parliaments in *England*, either before the Conquest, or since the Conquest; nor the first Duke (saith Sir *Edward Cook*, *Ibidem*) that was created since the Conquest, was *Edw.* the black Prince, In the 11. year of *Edw.* the third: and *Rob. de Vere* Earl of *Oxford*, was (in the 8. year of *Richard* the 2.) created Marquess of *Dublin* in *Ireland*; And he was the first Marquess that any of our Kings created.

The first Viscount that I find (saith he) of Record, and that sat in Parliament by that name, was *John Beumont*, who in the 8. year of *Hen.* the 6. was created Viscount *Beumont*.

And therefore, if Parliaments be the most high and absolute power in the Realm, as undeniably they are : for (*Holinshed* in his fore-mentioned Chronicle, in the Description of *England*, speaking of the high Court of Parliament, and authority of the same, saith pag. 173. thereby Kings and mighty Princes, have from time to time, been deposed from their Throaes, lawes either enacted or abrogated, offenders of all sorts punished, &c.)

Then much more may they dethrone or depose, these Lordly prerogative Innovators and Intruders; and for my part, I shall think that the betruusted Commissioners of the Commons of *England*, now assembled in Parliament have not faithfully discharged their duty to their Lords and Masters, the people, their empowerers, till they have effectually and throughly done it.

And if the Lords would be willing to come, and sit with them as one house, as formerly they have done, (Read the fore-mentioned Discourse of *John Vowel*, printed in *Holinsheds* Chronicles of *Ireland*, pag. 123: Sir *Edward Cookes* 4. part *Institutes*, chap. 1. pag. 2. and the fore-mentioned book, called *Vox Plebis*, pag. 39, 40.) Yea, though conditionally they might sit as Peers; yet they ought not to do it : for this were for the *Peoples Trustees*, the *House of Commons*, to give away their true and legislative power; which originally

originally is only inherent in them (THE PEOPLE) which is the next, and the last thing I should prove.

But in regard the *Discourse* is swolne so big already, and the present time being the season for publishing what I have already said, which were impossible to come out this Moneth or sixe Weekes, if I should throughly handle this Proposition, as by Gods assistance, I intend, which will take up a *Discourse* almost half as big as the fore-going :

For, first, I must shew and prove ; *That the people in generall are the originall sole legislators, and the true fountain, and earthly well-spring of all just power ; And*

Secondly, *That all the power which the house of Commons hath, is mee ly derivative and bounded within this tacit Commission, to act only for the good of those that betruſted them, and not for their mischiefe, in the least.*

And here I shall propound some *Queries*.

Whether or not, they have not done and acted some things prejudiciall and mischievous so the generality of the Kingdome, and destructive to the fund-mentall Lawes and Liberties thereof ? Which in the affirmative, I shall answer ; Yea, and prove it in divers particulars, out of their own late published large book, being the second part of the Collection of Ordinances, Declar.&c. where I finde three Ordinances, viz.

That for the Merchant-Adventurers, pag. 361.

That for the Turkie-Merchants, pag. 439.

Thirdly, *That for the Greenland Merchants, pag. 646.*

Of all three, of which I say as Sir Edward Cooke, in the second part of his *Institutes*, fol 51.

And the fourth part *Institutes*, fol. 41. saith, of the Statute of the 11. of Henry 7. chap. 3. (for executing of which Justice, Dudley, and Empson lost their lives) *that they are made in the face of the ancient and fundamentall Law of the 29. and 30. chapters of Magna Charta, &c.*

And that they are unjust and injurious Ordinances, which in duty they are bound to abrogate, and to punish the procurers of them, in regard those very Ordinances, if continued, will render the Parliament the (Commissioners of the people, and the great interest of their preservation) odious, abominable, and contemptible

ble in their eyes, and do them more mischief, then an Army of twenty thousand Cavaliers : for such palpable injustice, as in these very Ordinances, is done to the whole Kingdome, will in time destroy the Parliament ; though now they had never a professed enemy in the world ; and true friends to their professed enemy the King, they are, who put them upon this work : And let them take warning by those that were formerly the setters up of *Pattentees*, (and thereby destroyers of the peoples legal and just liberties) for it was not only that they were set up by an unbinding authority of the Kings which made them illegal, but that they were against & destructive to the fundamentall Lawes and liberties of the Land.

And therefore the house of Commons in its first purity, before any of them was corrupted with assessing, treasuring, and disposing of the Common-wealths money in *Clandestine Wayes*, nor in the least allowed by the known and just Law of the Land, and which to the Common-wealth they are not able to give an account of, *as indeed, and in truth they ought*, of all the monies they have raised.

I say the house of Commons, at the first beginning of their straights, when they would render themselves amiable and lovely in the eyes of their Impowrers, the people that trusted them. They tell them in their first and most excellent *Declaration*, 1. *part*. *Col. Declar. pag. 14. That they have suppressed all Monopolies, where some few did prejudice the Subject, above a Million yearly ; the Soap an hundred thousand pounds ; the Wine three hundred thousand pounds ; the Leather must needs exceed both, and salt could be no lesse then that ; besides the inferiour Monopolies.*

Was this an excellency in the peoples Commissioners at the beginning ?

And can it be lesse now, then the greatest of baseness in them, to do the quite contrary : Yea, and that after so much blood hath been shed, and so much money spent, and so many Oaths and Covenants sworn and taken, to preserve the fundamentall Lawes and Liberties of the Kingdom?

And here I must fall extreemly foule upon Sr. WALTER EARLE, GILES GREENE, IOHN ROLL, GEORGE TOMPSON, ALEXANDER BENCE, all Parliament men, for their unjust and illegal Order made at the Committee of the Navy.

Navy and Customs, Novemb. 12. 1646. which is published in print, on purpose to conjure the Officers of the Customs, to take care to put the aforesaid patentee Monopolizing Ordinance of the GREENLAND COMPANY in due execution according to its true intent and meaning, and that before they passe any entry or other warrant for any Fins, or gills, wrought or unwrought, or for any sort of *Whale Oyle*, or other Oyle; to call to their assistance the Officer or the Officers of the *Greenland Company*, if any such be appointed for the place, to view the same, thereby to proceed according to the Ordinance of Parliament, (which Ordinance is dated the 6. of May 1646.) which AVTHORISETH THEM TO CEISE UPON ALL SVCH COMMODITIES, that are brought in by any other free Merchants that are not of this Company: by meanes of which they ingrosse all the trade into their own hands, and sell their Commodities for double the rate, that others (if they might be suffered to bring them in) would sell them;

O brave and gallant slavery and bondage! The dear, but unwelcome purchase of all our blood and money!

The next querie that will arise will be this. *Whether some particular Parliament men have not outstript the bounds of their Commission?*

And here I shall answer affirmatively likewise: or else, as *Samuel* said to *Saul*, what meanes this bleating of the Sheepe in my eares, and the lowing of the Oxen which I heare? So say I, if all be right, what meanes MAJOR GEORGE WITHERS Complaint against Sir *Richard Onley*, and Sir *Poynings Moore*; and Mr. JOHN MYSGRAVES *loud Complaint and impeachment of treason against Mr. Richard Barwis*, which he hath largely published in severall bookes to the view of the world, called A WORD TO THE WISE. ANOTHER WORD TO THE WISE. YET ANOTHER WORD TO THE WISE? In which he also accuseth Mr. *Lisle* the Chairman of the Committee, of great injustice for making a false Report to the House. And what meanes the grievous Complaint of divers Gentlemen of the County of *Durham* against OLD SIR HENRY VANE, which is printed in ENGLANDS

LANDS BIRTHRIGHT. pag. 19. 20. 21? And Lieutenant Collonel *Lilburnes* Complaint against him, in his late booke called LONDONS LIBERTIES IN CHAINES DISCOVERED, pag. 54? And what meanes Lieutenant Collonel *John Lilburnes* pittifull Complaints in divers of his bookes against severall Members of the HOVSE of COMMONS; but especially against Justice LAVRANCE WHITAKER?

(See *Innocency and Truth justified*. pag. 12. 15. 16. 63. 64. And *Londons Liberty in Chaines discovered*.) And what meanes his last Complaints in his Epistle to Judge, REEVE, &c. against the Earle of *Manchester*, and Collonel *Edward King* of *Lincolnshire*, whom he accuseth for being Traytors to the trust reposed by the PARLIAMENT in them? And yet is so farre from obtaining Justice against them, that he is clapt by the heeles in the exceeding chargeable prison of the *Tower of London* by their meanes.

And what meanes that extraordinary Complaint of Mr. ANDREWES BURRELL, in his printed REMONSTRANCE TO THE PARLIAMENT OF ENGLAND, against the CHIEFE MEN that are mannagers of the NAVIE, viz, THE EARLE of WARWICK, Mr. GILES GREENE *Chairman of the Committee of the Navy*, Mr. SAMVEL VASSALL, and the 2. Mr. *Bencis* Members of the same Committee, &c? To whose charge he layes little lesse then TREACHERY TO THE WHOLE KINGDOME, and consening and cheating of the publicks monyes, yea, such is his CHARGE there against them, that if he be able to make it good; THEY DESERVE NO LESSE THEN HANGING. And it seemes he is able sufficiently to do it, for they dare not call him to account, but let him go at Liberty, which demonstrates to all understanding men, They know their own guiltinesse.

And a thing of as high a consequence is the lamentable Complaint made against Sir *John Clotworthy* and his friend Mr. *Davis*, &c. about their consening and cheating poore and bleeding *Ireland*, of much of the monies that should have relieved it, which Complaint is called *The State of the Irish affaires*, for the Honourable Members of the Houses of Parliament, as they lie represented before them, from the Committee of Adventurers

turers in *London*, for lands in *Ireland*, sitting at *Grocers Hall*, for that service, and printed at *London* by *G. MILLER* dwelling in the *Black-Fryers*. The abstract of which, with some additions, are inserted in a written paper, which I had from a good hand which followeth thus.

A further discovery of the evill managing of the affaires of Ireland, wherein it doth plainly appeare, that above the fourth part of the monies levied for Ireland is pursed by 4. or 5. private men to the value of 97195. l.

That presently after the trouble did breake forth in *Ireland*, there was one *Mr. John Davis* of the *Irish Nation* came for *England*, who was trusted by the *Parliament* with 4000. l. worth of Provisions, and appointed *Commissary* for the disposall of those goods for the *English* and *Scottish* Armies in *Ireland*.

The said *Mr. Davis* using indirect wayes, by feasting and bribing the Officers, having spent 100. l. upon them in a week, as he himselfe hath acknowledged, and by that meanes he obtained his desire, for he valued the goods which he delivered to the Armies at such unreasonable high prizes, that in this imployment for the space of 8. or 9. months, he so manageth the businesse, that he makes the parliament indebted unto him 22195. l.

And it will be made manifest by sufficient testimony that before he was put into this imployment, he was not worth 200. l. but with feasting and bribing the Commanders of the said Armies;

He obtaines such an accompt in writing, having such friends to assist him, that he procures *Generall Lesleyes* letter of commendation for his good service, setting forth how seasonable the provisions came to the Army: but no mention made that the Parliament sent the goods.

That after the said *Mr. Davis* had procured this letter, he comes for *England*, the troubles here being great, the Parliament had not time to heare him, so he continued in, and about

bout *London* for the space of two yeares or thereabouts.

In which time he was reduced to a meane and low condition, in so much (as he hath acknowledged) he had much ado to get mony to buy food for himself & his wife: yet in this low Condition he puts in Propositions to the Committee of Parliament, to deliver 60000.l. in Provisions, Armes, and Cloth, to be paid out of the Ordinance for *Ireland* which was for above three times as much, but he was to have the first mony that came in upon the said Ordinance, onely 20000.l. was allotted otherwise.

The Committee of *Adventurers* for *Ireland* were sent for and treated withall, to know if they would serve in, and deliver those provisions for *Ireland*, who at the first refused to agree by way of bargaine, alledging that they would make use of the said Ordinance to serve it with all expedition, expecting no profit: but the Committee of Parliament said that there was necessity of making agreement by way of contract: whereupon the Committee of *Adventurers* for *Ireland* did give in Propositions that they would serve, and deliver those provisions 7000.l. in 60000.l. under the prizes Mr. *Davis* had given in: notwithstanding M. *Davis* delivered the goods & had his prizes for those goods & provisions, but did fail in all his undertakings both in the time of delivering the goods: and also the goods he served were generally very bad: as doth appeare by the Testimony of one of the Parliaments Commissioners in *Ireland*, which Testimony, and the prizes Mr. *Davis* had, is here inserted. The reasons why M. *Davis* had this employment before those Citizens, are many I shall name one: the cessation of Armes in *Ireland* being ended, divers Commanders came over from thence into this Kingdom, who knowing Mr. *Davis* of old, in respect of his large bribes given them, did desire the Committee of Parliament, that Mr. *Davies* might be the man for the providing and furnishing of provisions for the service of *Ireland*, alledging they knew him well; as for the Citizens, they were more fit to keepe shops, then to take care of a Kingdom.

These Commanders above-mentioned, are those who were for the Parliament one year, and the next year sided and joyned with the

the Irish Rebels : these are the men who gave this good report of Mr. *Davies*.

That Mr. *Davies* hath made a second bargain with the Committee of Parliament for 45000.l. worth of goods. the which mony is fully paid him, and the 60000.l. also formerly mentioned, and this Committee have allowed him his pretended Debt of 12195.l. out of the money appointed by Ordinance of Parliament only for Ireland, and not to pay any debt, although never so reall.

Mr. *Davies* in the moneth of July, 1646. hath made a third agreement for 140000.l. to deliver so much in Arms, Provisions, & other necessaries, the money part of it, to be paid out of the Excise and the rest by a new Ordinance of Parliament, for levying of monies for the service of Ireland, the Committee of *Adventurers* having formerly declared in their book formerly set forth by the, which was presented to divers Members of Parl. in the Moneth of Jan. 645. wherein the Committee do alleadge, that if they might have had the managing of that service of 60000. -l. in a Committee-way, they would have saved the State 15000.l. in the said sum of 60000.l. of the prizes allowed Mr. *Davies*, and would have furnished better goods ; and Mr. *Davies* after his first agreement, had also allowed him 2500.l. to get in the mony: if 15000.l. could have been saved in 60000 l. what might have been saved in 245000. l. by that accompt there might have been saved above 61000. l. and better commodities furnished. There is a Parliament man named Sir *John Clotworthy*, that hath been the said Mr. *John Davies* his chiefe friend, to assist him in all his bargaines aforesaid : this is that Sir *John Clotworthy* against whom the Committee of *Adventurers* for Ireland, formerly petitioned the Parliament, that he might give accompt for 24000. l. received by him of the *Adventurers* money ; for the which, to this very day he hath given no accompt : and the Committee do verily believe, he never will give any accompt for the said money : So what with Mr. *Davies* 12195.l. which he so falsely got and the 61000. l. formerly mentioned, and the monies Sir *I. Clotworthy* detaines in his hands, being 24000.l. as aforesaid, amounts in the whole to 97195.l. which is above the fourth part of the money allotted for the service of Ireland, for these 2 or 3 years past. This being considered, it is no marvell that the cry of Ireland is so loud. That in Septemb. and

October, 1644. there was by order of Parliament three meetings of the Adventurers of Ireland, usually sitting at Grocers Hall London, four Parliament men then present, sent as a Committee from the Parliament; namely, Sir I. Clotworthy, Mr. Reynalds, Major Jepson, Sir I. Clotworthy moving at all the several meetings for money, it was desired by the Adventurers, that there might be a new Committee chosen by the Adventurers. Sir I. Clotworthy shewed his dislike unto that motion, saying, if they would have a Committee, it should consist of 4 Parliament men, 4 Irish men, and 3 Citizens: the Irish men were such, who not above 3. weekes before had sided with the Irish Rebels, and these four to three Citizens: this favoured not well. The Adventurers much distasting this, were all going away: at last it was granted the Adventurers to chuse the Committee: whereupon 4, Aldermen and 16 Merchants, very able men, were chosen newly, Sir I. Clotworthy, as appeares, disliking this Committee, the businesse was managed by a Committee above, and the Committee of Citizens have been as ciphers. At the said meeting, there were two Citizens Adventurers did offer unto Sir I. Clotworthy, and the committee then present, that they would undertake to serve 1500. l. worth of cheese and butter, good sound cheese at 2.d. per l. and good butter at 4.d. ob. per l. and to receive the money out of the Ordinance of Parliament, at sixe moneths, or as it came in: But Sir John in the audience of all the people then present, made this answer; that cheese and butter was too saucie for them, and that the souldiers in Ireland would be content with bread and water: this did much discourage the Adventurers to hear him speak after this manner. But observe, Sir John Clotworthy did so assist his friend Mr. Davies, that hee had 3. d. ob. per l. for the same commodity which was offered by the Adventurers for 2.d. per l. you may judge what that will come to in a quantity: you may observe that Mr. Davis and his Partners did buy the goods aforesaid upon the credit of the said Ordinance of Parliament, the which might have been done by some of the Adventurers who would have delivered better Provisions, and have saved the State 61000. l. in the severall parcels aforementioned: all the wheate eaten, and mustie Corne that could be had, these undertakers did buy up at cheape

cheape rates, and so in other Commodities, the basest trumpe-
rie that could be had which they delivered for the said service
of Ireland.

The said Mr. Davis had 3. partners which are by their call-
ings *Cheesemongers*, viz. Mr. Thomas Radberd, Mr. John Chesson,
and Mr. Dennis Gauden: I shall set forth unto you what these
men have been.

First of all in the yeare 1640. they were undertakers and did
deliver Provisions for the Bishops Army against the Scots,
which Provisions being returned, the said undertakers bought
most of the same Provisions under the fourth part the King paid
for them, yet it hath been observed that this mony hath not
thriven with them, for they have had great losses especially
one of them by Sea.

That about 3. yeares since, Mr. Radberd and his partners ha-
ving good store of Butter on their hands, procured one to pe-
tition a Committee of Parliament: setting forth in his Petition
that he was a Merchant, and that he did desire their Order for
transportation of 1800. Firkins of Butter for Ireland, which be-
ing granted by vertue of the said Order; Radberd and his part-
ners shipped 1800. Firkins of Butter, and so it passed the River
upon the said Order: the Vessell laden with this Butter put into
Dover Peere, and there continued for 3. or 4. dayes, as the Mr.
hath acknowledged: the wind coming fayre, the ship put forth
of the Peere at night, and the nex morning the Mr. with his
Ship and goods came safe before Dunkirke upon Order from
the said Mr. Radberd and his partners, the Mr. hath also ac-
knowledged that the Order for their transporting of the But-
ter for Ireland was onely to coullour the businesse: the Butter
was unladen and sould at Dunkirke, for the accompt of Mr.
Radberd and his partners.

That John Chesson at the begining of the troubles of this King-
dome, when the Parliament was lowe, and the Kings party
looked very bigg upon us, then he cryes a King, a King; but of
late he faced about, cryes a Parliament, a Parliament: that when
the Kingdō was brought to a very low condition, the Adventu-
rers for Ireland and others well affected did disburse in mony
and goods for Ireland above 5000000. l. and to this day have not
been

been repaid any part thereof, at that time Mr. Raiberd & his two partners aforementioned would not trust the State with 5. l. And yet notwithstanding they with their partner Mr. Davis are the men that have the manning, & are undertakers for all the service of Ireland, although to the great damage and losse of this Kingdome, and likewise to the Kingdome of Ireland, and a very great discouragement to the Adventurers & all other persons well affected to the safety of both Kingdomes.

Thus you may perceive that those who have been most affectionate and helpful to the Parliament and Kingdome, adventuring their livs and Estates for them, having almost disbursed their whole Estates are now scarce looked upon; and those who have not at all assisted the Parliament, but stood as Neuters, & have sought themselves and their own advantages: these are the men who run away with so many thousand pounds while many aithfull friends to the Parliament, and true lovers of their Country fare ready to perish for want of Foode.

Can it be imagined, that the said undertakers for Ireland, were more able to provide the goods aforesaid, better and cheaper, or so cheape as the Committee of Adventurers could have done? And if divers Citizens did trust the Parliament upon their bare words in times of distresse with above 500000. l. what would not these men have trusted the Parliament upon an Ordinance to have their mony paid them within very few months? and it cannot be otherwise imagined.

These things with divers others, as also the Parliament mens continually fingerling great sums of mony out of Gods smiths-Hall, into their own partitioned pockets, for their pretended losses, disbursements, and pay, before any of the poor necessitated people of the Kingdome have theirs, abundance of whom stand ten times more in need of it then they, yea and better deserve it then divers of them, and ought in justice and conscience to go in an equall forward proportion with them, and their injoying their vast and great places for all the cloake and maske of their self deniall-Ordinance, and the ingrossing the most of the Law practise in the Kingdome into the hands of their petty sagging Lawyers, I say these things for the more preservation of the kingdom, deserve seriously to be looked into, and told plainly and honestly unto them, with an earnest desire of their reformation, and not of their destruction, & as to they, and all that love their just interest may have cause to say. Faithfull are the wounds (or reproches) of a freind, but deceitfull are the kisses (or flattering) of an enemy, which taske shall be the earnest and cordiall endeavours of him that is a true lover of Englands happinesse and prosperity. N. E.

no 37

A

DIALOGVE

BETWIXT

RATTLE-HEAD

AND

ROUND-HEAD.

Neutralius being Moderator betwixt both.

WITH

Their peaceable agreement, and their
Conference for maintaining their severall Opinions.

With the Argument against Bishops.

Full of mirth, and repleat with witty Inventions.



LONDON, Printed for T.G. MDCXLJ.

DICTIONARY

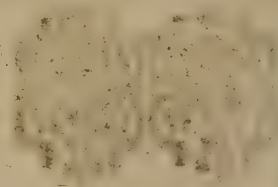
OF THE

ENGLISH LANGUAGE

AND
OF THE
PROVERBS AND
SAYINGS OF THE
PEOPLE

OF THE
NINETEENTH CENTURY

BY
JOHN W. H. WOOD



LONDON: PUBLISHED BY
JOHN W. H. WOOD, 1851



A
DIALOGVE
BETWIXT
RATTLE-HEAD,
AND
ROVND-HEAD.

Roundh.



N the very portall or Entrance of this *Tractate*, friendly Dialogue, or zealous commerce, we intend to discourse, touching the Etimologie of your late published Pamphlet, which in respect our Answer was not sufficiently punctuall, therefore we have singled out this opportunitie, for a more edifying conference.

A 2 .

Rattleh.

Rattleb. Too'r roundly then, and as I first began to write, so you to speak?

Neut. And for my part I le hold with the wisest.

Roundb. Then thus deer brother, I do much admire that you being of so neer affinity to us in Religion, can find no means to conjoyn an vnity?

Rattleb. Only perversaesse in the vnitage of your circular opinions, being grounded on nothing but the ends of the Coblers simplicity, whose long stiches I fear in conclusion, will go neer to lose your soules from the vpper leather.

Neut. His words are dangerous, expound it well, stick but close to him, you'l put him in a Tub?

Roundb. That's my desire, and had I him but once there, I'de all I wish't for, assist me then.

Neut. Assist ye, I'll first hang ye, do I come hither as a Constable to command you to keep the Kings peace, and learn a new religion, for to help you out before you are in.

Roundb. Dear brother *Rattlehead*, did you but know the path, that perfect rode, by which, tread the ready way to heaven, you'd soon renounce your church you follow now, and turn to us.

Rattleb. Your doctrine should be better first?

Roundb. Would you but grant attension, hear me speak, and but compare your form of government with ours, I'de soon transport you to a haven of happiness, by changing your opinion, and confute you by your own words.

Rattleb. Do so, and win me, make it appear by grave dispute what you have said: and first begin to nominate those orders (wherein we differ) that are so highly extol'd by you.

Roundb.

Roundb. I shall do that, and more to gain a soule.

Neut. Here is like to be a game well plaid, when soules are at stake?

Roundb. First, then as for our Church, I mean the visible and select Church, not the shadow which you so much adore, full of Papisticall Images.

Rattleb. No, a Barn?

Roundb. You interrupt me, and misconster to my reall meaning, that same Church: I say, whereas the brethren and the holy Sisters meet, where you shall see a man vnlearned, divinely expound vpon a piece of Scripture, delivering nothing but by inspirations, no torologicall expressions, or Scolaſticall sentences whereby to hinder the benefit of the attentive Auditory: after him a Sister, whose zeal towards the Church is inexpressible, that delivers nothing but what the Spirit moves; is your form of teaching then like ours?

Rattleb. No, nor is it fit it should be: since when I pray was this same new found Platforme of teaching invented, when instituted, who are your Authors for this your admirable device; away with this simplicity, either speak wiser, or not at all.

Roundb. It seemes then any thing concerning our Church will not be allowed on, how stand you then affected towards your own,

Rattleb. As every true Christian ought, maintain it with my blood, and vttermoſt endeavors.

Roundb. Say you so, can that house stand, whose principle foundation is defective; or can that Church be the true Church, whose principal heads are the instigators vnto evill: *Rat.* you cannot lay that aspersi-
on vpon vs. *Ro.* yes, & most justly too; what are those

neither Rattle-heads nor Round-heads; I in iure they are wicked heads.

Rattleh. Now Sir you have hit the mark, your documenting Tayler, never put a yard into your hand that made better measure then this: I must confesse that they are guilty, and have been a dishonour to the Church, but wherewithall do you accule them.

Nent. Hold, hold my Masters, I came to be partners with you in your Religions, but now I fear you'll turn Cat ith' pan and be both one; and so betwixt two stooles, my arse fall in ground.

Roundh. So shall we be both happy, and like brothers embrace with affectionate zeal: but tell us thy opinion concerning our argument.

Nent. Truly Sir, to speak my minde of Rattle-heads, Roundheads, Loggerheads, &c. I am of the opinion, *there is never a barrell better herring.*

Rattleh. Short and sweet, *Iack of both sides*, but brother Roundhead what say you to the former proposition concerning the heads we spake last of.

Round. As for his Gracelesse Grace these shall be my objections against him: by his uncontroulable hand at Lambeth, he made the *High Commission* his *Delegat*, his *Creature*, his *Fawn*, his obliged servant; his tyrannie over good and able Ministers, insomuch as their ears became as familiar as sheeps ears, and so cheap as they hung upon that *Babylonian* image *Cheapside-Crosse* like labels, that if any wanted a pain they might have an easie penniworth in them: if these be in his commendations, I wil speak of him everlastingly.

Rattleh.

Rattleb. I must confesse this same *little man* hath many great faults, yet when error is like to incur, a speedy censure, and ambition were it never so overtopping like to suffer. Humanity cannot chuse but find a teare, and Piety a sigh, at the survey of such a sight. *To see the Metropolitan of a flourishing Kingdom lose his head, is no ordinary Spectacle.*

Roundh. The sooner, the better : such an ordinarie would I give twelve pence but to look at.

Rattleb. I must confesse it would be no great eye sore nor hearts grieve to me neither.

Roundh. Sith then we are almost reduced to one opinion, be conformable to us in vniting your selves to us in Religion, and so make us all happie.

Rattleb. As for that, my mind is altogether contrary to all your precepts therein contained, contradicting us especially concerning your *Church-government* ; we therefore shall take further time to discourse of it : but for this subject, wherein we agree together, if it be your pleasure, wee petition the *Parliament* for a redresse, I shall assist you.

Roundh. With all my heart.

Rattleb. And since we writ invective Songs one against the other in our former books, let vs now sing old *rose* over a pint of sack, and joyn our methods together to compound one vnanimous thing to the former purpose.

THE SONG.

Rattlehead.

Bishops hold your wonted prattle,
Rather now provide for battle
An enemy ha's vow'd to rattle
Your tippetts from your Crown,
Round-heads Round.

Round-head.

Take your Miter to the field
Let it serve you for a shield,
'Twill pay your Ransome if you yeeld :
We have resolv'd it so
To lay you low.

Rattleh.

Let Lawn-sleeves serve instead of Buffe,
And for your Arms your partled ruffe,
You may be fierce 'tis pistoll prooffe :
It is your dismall fate
Come down Prelate.

Your gown is firme, and coat of male
Your Graces person to impale,
But that your Honour now growes stale :
There is a new way found
By Round-heads Round.

Look to your selves, our shew is dumbe,
We give you warning ere we come,
We mean such Birds as you to plumme :
Farewell, till time produce
You no excuse.

per Roger Rattle-head.
& Alexander Round-head.

F I N I S.

ENGLANDS REIOYCING

AT THE
PRELATS
downfall.

O R,
GODS GOODNESSE
and mercy to *England* in de-
livering them from the cruell tyranny
of blood-thirsty *Prelats*.

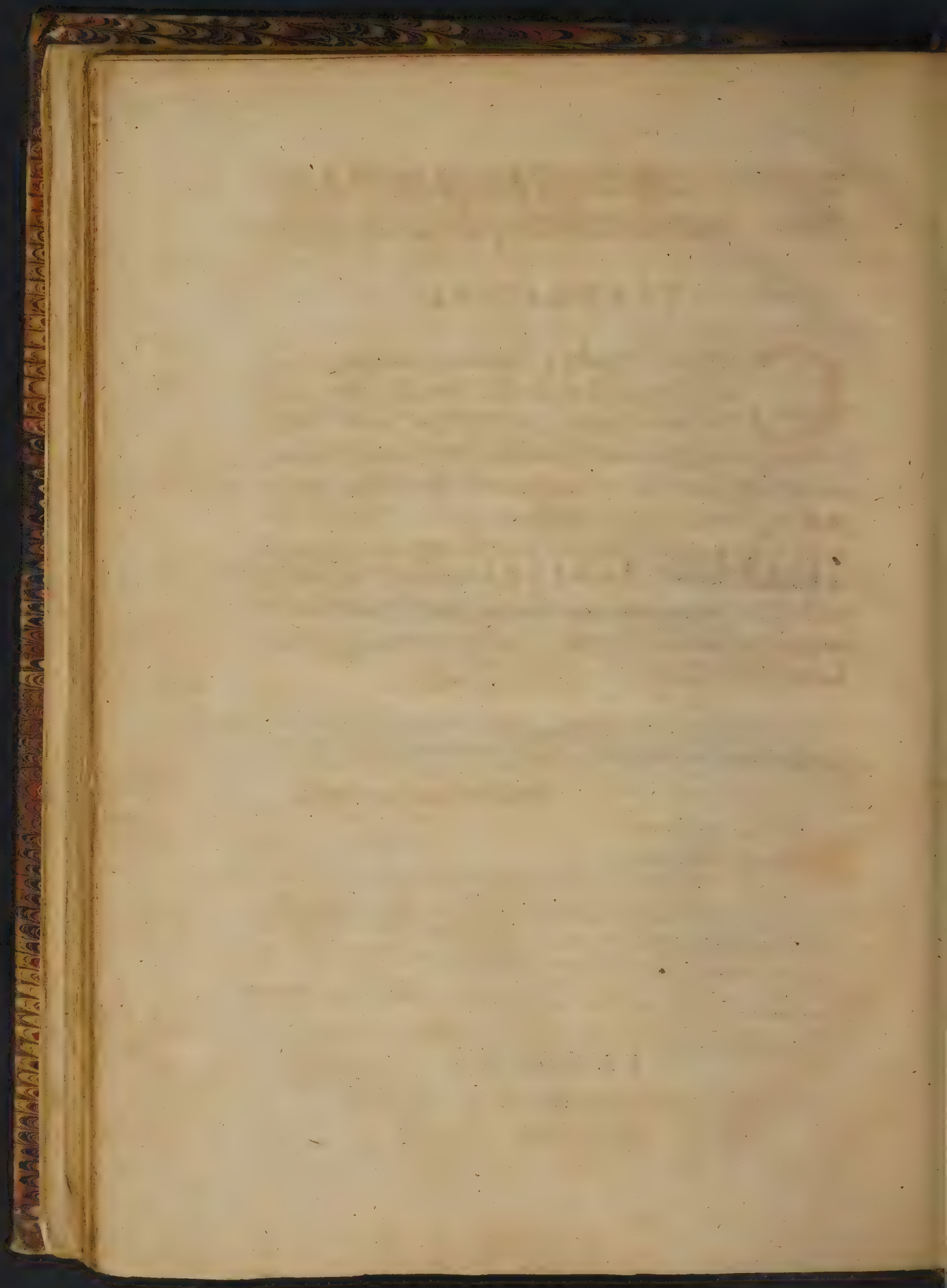
PSAL. 34. 19.

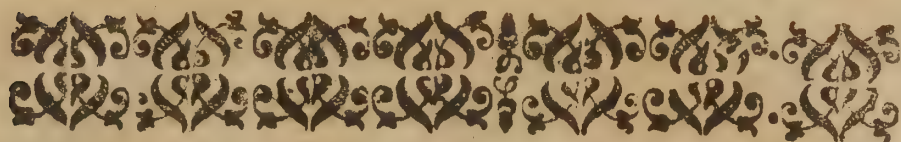
*Many are the troubles of the Righteous, but the Lord
delivereth them out of all.*

PSAL. 90. 15.

*Comfort us according to the dayes that thou hast afflicted
us, and according to the years we have seen evill.*

ENGLAND,
Printed in the yeare of the down-fall of
the *Prelats*. 1641.





THE PREFACE.

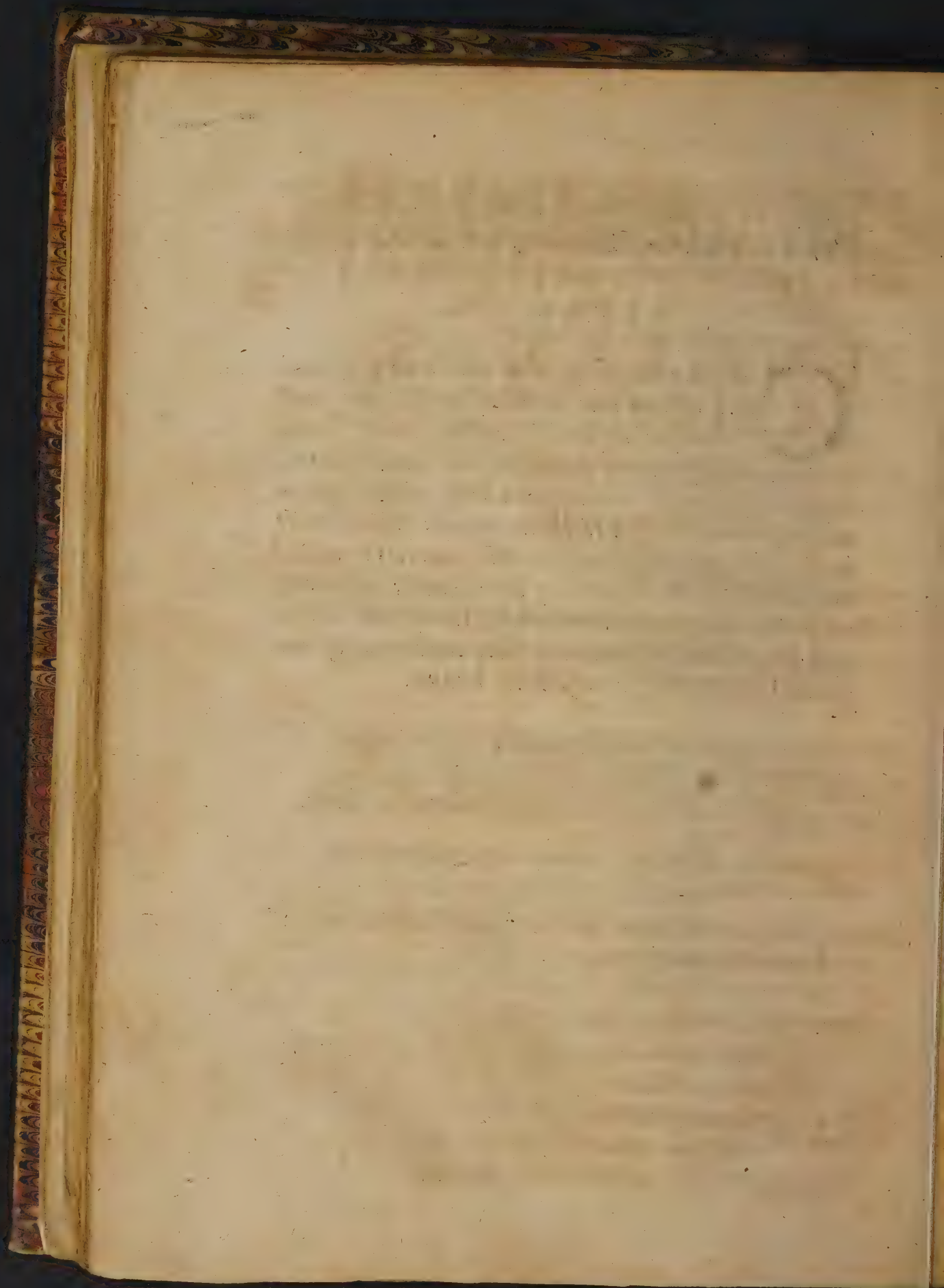
Christian Reader, thou hast here presented unto thee in this small Treatise, the cruell Tyranny of the wicked Bishops, and Gods goodnesse and great mercy in easing the Land of them, in turning their plots to their own Destruction, and in making them a derision to all the world: Therefore let us all blesse and praise God for all his mercies to us, and long and desire the downfall of Rome, and al his brood, with all the enemies of the Church, that so our Church may be a glorious Church, even to the coming of our Lord Iesus Christ, even so be it, Amen.

Farewell.

Your Friend in Christ.

A 2

ENG.





ENGLANDS REIOYCING

at the Prelats
downfall,

Or,

Gods goodnesse and mercy to ENGLAND
in delivering them from the cruell
Tyranny of blood-thirsty
Prelats.

PSAL. 123. 3. *Have mercy upon us o Lord, have mercy
upon us, for we have suffered too much contempt.*

PSAL. 120. 6. *My soule hath too long dwelt with him
that hateth peace.*

PSAL. 119. 126. *It is time for thee to worke o Lord, for
they have destroyed thy Law.*



Here ever hath bin, and is now, and
still there ever will be (so long as the
world stands) enemies against the
Church and People of God, bloody
enemies, cruell Tyrants: but still the
Lord ever hath bin, and is now, and will be the
delive-

Gods people
will have ene-
mies, as long as
they continue
here.

Englands rejoycing, at

The wicked lay
snares for the
Righteous, and
are snared
themselves.

Papists are cru-
ell Tyrants to
Gods people
and Church.

In *Q. Maryes*
time were bloo-
dy dayes with
the Papists.

No mercy to be
had of Papists.

God will over-
throw their
plots.

God will not
forsake his
people.

Pursevants are
knaves by *Ben-*
mirags confessi-
on.

deliverer of his People; the *Lord* doth confound
their enemies and trap them in their own snares;
they lay baits privily to intrap the Righteous,
and are snared in their own snares; the *Lord* who
sits in heaven, and eyes and beholds the wayes and
plots of the wicked: he wisely orders and con-
trives their own plots to their own Destruction,
as witnesse that hellish Powder Treason of blood-
thirsty *Prelats*, who sought to have blowed up the
whole Assembly of *Parliament*; and when they
thought themselves most sure, then *God* discove-
red it, and turned it to their own Ruine.

And also in Queen *Maryes* dayes, how cruell
were they to all Christians, insomuch that who-
soever would not turn to them to worship *Baal*,
there was no mercy with them, but to fire and
faggot they must goe, bloody-minded men they
were. But yet the *Lord* in the end did overthrow
them and consumed them; they must not alwayes
Tyrannize over *Gods* people: For though *God*
let them alone for a time, yet in the end he will
laugh at their destruction: *The rod of the wicked*
shall not alwaye be on the backe of the righteous, *God*
will ease them, and deliver them.

And now also *God* is very good to his people,
farre beyond all hopes or expectation: for our
Lordly *Prelats* have so Lorded it over all *Gods*
people, as scarce any have bin free from trouble,
but that the Bishops, our Lordly *Prelats* have per-
secuted them by Pursevanting knaves, some way
or other: and their impudencie was grown to
such a height, that Ministers dare hardly Preach;
and if they did, they were tyed to a just houre:
and

the Prelats downfall.

and Purseuants were redy to insnare them if they spoke any thing against Popery: Nor people could not assemble themselves together in any duty in private, much lesse publick, but they were had before his Grace, and were mockt and scoft at by the name of *Paritans*, and many other absurd names, so that they had the world at their beck and command, that all the world groaned under them, they were (I meane our Lordly Prelats) a burden both to Church and State.

That was because they would have brought in Popery under the name of Religion.

Bishops were never more hated then now.

How had they corrupted *Gods* worship, abused his Ordinances, despised his Ministers, rejected his Word, dishonoured his Name, prophaned his Sabbaths, persecuted his people, and robbing *God* of his Honour. O Brethren, these are grievous things: and when a Land is guilty of these things, the *Lord* must needs avenge himselfe, as saith the *Lord*, *Shall not I visit for these things?*

The *Lord* hath bin very much wronged.

and justly might the *Lord* have done it.

Consider in the first place, how they have corrupted *Gods* worship, in turning their Table *Altar-wise*, and rayling of it, and making the people come up to it, and kneel round about it; in reading their Second Service there; and in consecrating the Table or Chancell, as though the Table or Chancell had bin more holier then any part of the Church else; and also in wearing the white Surplice, Lawn Sleeves, Tippet, foure corner Cap, &c. as though *God* required these outside Ceremonies, when as indeed this is a corrupting of *Gods* worship, and so bowing at the Name of *Jesus*, as if that were above *Jehovah*.

I.

They all are for the outside worship, and never look after the hearts within.

Secondly, consider how they have abused thine ordinances, in setting up of Idolatry and Superstition,

2.

Englands rejoycing, at

All things were
hateful to him,
but Idolatry.

But this was the
way to their
own destruc-
tion, as now you
see.

stitution, and labouring to pull down thine Ordinan-
ces by their good will: they would not have
us have a Lecture once a week, nay not on the
Lords day: for they set out a Book for Liberty on
the *Sabbath*, in spending the afternoons in Sports
and Past-times, and so putting down all Sermons
in the afternoones, as one of the *Prelats* most no-
toriously boasted and said, *I thank God I have but
one Lecture in all my Diocese*: ô most wicked Blas-
phemour, to thank *God* that he hath done wick-
edly: ô this is a high contempt of *Gods* Ordinan-
ces, and abusing them, when men strive with all
their might and maine to subvert the Ordinan-
ces of *God*, as our proud *Prelats* did.

Thirdly, consider how they have contemned
and despised the Ministers of *God*, as that they
would not suffer them to teach: for if they did,
they must cringe, and bow, and be very Ceremo-
niall; or else if they will not, they are clapt up in
Prison. And of late that sinfull Synod made an
Oath, that all Ministers must take, and so they
thought to insnare all good Ministers, for none
would take it that feared *God*, and then by this
Oath, they would have silenc'd all good men, such
a plot it was, that one would have thought all the
Devils in hell could not have thought: but now
it is cleane contrary to their expectation.

Fourthly, consider how they rejected his Word
in adding and diminishing what they pleased, and
in being carelesse and negligent of his Word in
rejecting *Gods* Word and Religion, & setting up
of a Religion of their own, and in making a set
forme of Prayer, as they pleased, for Ministers to
say

the Prelats downrfall.

say before their Sermons, as if so be none were so holy as they (as they thought themselves) when indeed none were so wicked as they: ô this rejecting of *Gods* Word would have caused him to have taken it away: For where a People once rejects his Word, then he departs from them.

Fiftly consider, they have dishonoured his Name, by swearing by his Name, as *Lord*, or *God*, as many of our *Prelats* doe, who (at least should know better) doe, yea many of our Ceremoniall Ministers, that will come out of a Tavern or Alehouse, and goe up in the Pulpit to preach, and call upon the name of *God*, whenas this is a dishonouring *Gods* name, and a mocking him to his face, when they say and promise one thing, and doe clean contrary. *God* commands us to *honour him*, and we dishonour him, to honour the creatures, wicked men.

Sixtly, Consider how they have prophaned his Sabbaths, in giving men liberty on the Sabbath: wheras *God* hath set it apart to be kept holy to himselfe, they gave liberty to men to prophane the Sabbath, to make it a day of mirth and Pastimes: ô this is most abominable, they contradict *God*, and break the Fourth Commandement, wherein *God* has commanded men to keep the Sabbath day holy: and how is it kept when they keep it unholy, and prophane it?

Seventhly, Consider how most barbarously they persecuted *Gods* people, in dismembring and disfiguring, and whipping, and Pilloring, and Fettering, and Imprisoning, and Banishing, and Silencing, &c.

Englands rejoycing, at

Three Worthy
Champions of
Christ suffered
all patiently.

This was the
Christian mans
ryall.

All will turn
to their owne
ruine.

Robbing God of
his glory, giv-
ing all to the
creatures that
God should
have.

As first, in cutting off those Three Worthy mens Eares, Mr. *Burton*, Dr. *Bastwicke*, and Mr. *Pryn*: and then Fining them, and Banishing them to Perpetuall Imprisonment, which was against both the Laws of *God* and men: for they were not found guilty of any thing: ô it was most cruell dealing, not like Christians, but as dogs. And also good Dr. *Layton*, that hath bin both branded and whipt, and his nose slit, and Imprisoned. And Mr. *John Lilburne*, that hath bin whipt and gagged, and Fettered, and Pillorified, and Imprisoned. And so many other of *Gods* Children did the Lordly Prelats persecute, and Tyrannize over. How did they Lord it over all men in their bitter High Commission, worse then the Spanish Inquisition: but Pride now hath had a fall, *they now are fallen into the Pit that they digged for others.*

Seventhly, they robbed *God* of his glory, and honour, they forsook the living *God*, and set up Images, and Idols, and they worshiped them: this was in some places, and they would have had it in all places, had not they bin crost of their designes; for how many scores of Ministers had they Silenced, and set up dumb dogs in their Rome, that so they might (when all good Ministers were put out) rule as Lords and Kings; and every one should have honoured them: for in their Courts they sate like *Gods*, and not like Men, making every one subject to them; and thus they robbed *God* of his honour: ô these were heavy things, and certainly *God* will be avenged of these Prelats: and indeed now he hath begun, in that he hath turned all to their own ruine and destruction. *God* in pittie

the Prelats downfall.

pitty and mercy towards his people, called a Parliament, which *England* longed for, contrary to our wicked Bishops mind: for they little thought of a Parliament, for if they had, they would never have Tyrannized so as they did; they thought they might doe what they would, for no body durst say, why doe you so? The truth was, they neither feared *God* nor man, for if they had, they would have thought then that *God* would have called them to an account for all, and then they would not have done so: but *they were departed from the living Lord, and did according to their own hearts lust, as in Ie. 9. 13. 14. They have forsaken my law which I set before them, and have not obeyed my voyce, neither walke thereafter. But they have walked after the stubbornes of their own hearts. Yea they have walked very stubbornly before God, doing all things contrary to Gods will, as in Le. 26. 1. 40. They have walked contrary unto me: and therefore saith God in the next verse 41. Because they have walked contrary unto me, therefore will I walke contrary unto them. God will servethem in their own kind: for they that forsake him, he will forsake them, and leave them to their own destruction: as you see he hath done these Lordly Prelats: they forsook God, and God forsook them, and hath brought them to their own destruction: that wheras before they sate as Lords and Kings in their Palace, now they sit as Prisoners in their Prison, yet they never thought of this, nor if any had told them of it, would not have beleevved it: for they thought it was impossible, they had so seated themselves. And I dare be bold to say, that had not the Lord crossed their wicked designs by*

Miserable are at
they whom the
Lord departs
from.

They are de-
scended from
their Palace to
their Prison.

Englands rejoycing, at

But the little
great man was
deceived.

this time *Canterbury* would have bin entring into his Popeship : for as a worthy Knight sayes, *He pleads for a Popeship under the name of a Patriarch*, and it was too true, as was apparent by his actions, and by what he intended to doe; as to have silenced all Godly Ministers with that damnable *Oath* hatcht in Hell; and then we should have had fire and fagot. But ô blessed, and for ever blessed and praised be the *Lord our God*, that hath eased the Land of this great burden : for they are of late hated of all men, both Scotch men, and English men : for they by sending over the Scotch Service Book, and imposing it on them, was the cause of all this: they could not be content to rule and Lord it here, but they must there also too, & so made a rod for their own back: for they by that meanes brought the Scots hither, and so they bred hatred between the two united Kingdomes, and would have made them pierc'd their swords in one anothers side. But the wise *God* hath now brought them into shame and confusion, that now our Lordly Prelats hang down their heads, for this happy Parliament hath quell'd all the *Canterburian* Faction, that now they have nothing to say : and now I beleieve they wish they had never bin Bishops at all, but some handicraft Trade, which indeed there are too too many more, are more fitter for the Plough then the Pulpit, Idoll Ministers, that are negligent in *Gods* worship, and in preaching his Word; when as *God* saith, *Cursed are they that doe the worke of the Lord negligently*, Jer. 48. 10. And how negligent are our Lordly Bishops, that do not preach once in a whole year, when

the Prelats downfall.

when as Bishops should be preaching Bishops, and not Lording Bishops : for in *Zacha. 11. 17.* *Woe unto ye Idol shepherds that leave your flock, the sword shalbe upon you, &c.* And yet how many Idoll shepherds have we now that famish their flock, and are idle and lazie ? and how many Idoll worshipers such as worship Idols, when God forbids it, as in *Levit. 19. 4.* *Ye shall not turne unto Idolls, nor make your molten Gods, for I am the Lord your God : yet they made them graven Images, and worshipped them, for all that the Lord forbids them, and they walked every way stubbornly against God : and therfore iayes God in Pro. 1. 24, 25, 26.* *Because I have called, and ye refused, and I stretched forth my hand, and none would regard, but have despised my counsell, I will laugh at your destruction, and mock when your feare cometh.* And also in *Jer. 9. 13.* *Because they have forsaken my Law which I set before them, and have not obeyed my voyce, I will send a sword after them till I have consumed them :* So that God leaves those that leave him, yea those that walke not in the way of God shall not prosper, as you see these wicked Prelats that did all according to their own wills, and so run headlong to destruction, for those things which they sought the ruine of others with, have turned to their own ruine; and *England* hath great cause to rejoyce at their downfalls, for they were enemies to God and his people; as in *Lament. 3. 59, 60.* *Lord thou hast seen our wrongs, therefore judge thou our cause. Thou hast seen all their vengeance, and all their devises against us; and 64. Therefore give them a recompence according to the works of their hands* Now the Lord hath refresht his people wonderfully

Nothing that they take in hand against the godly shall prosper.
Zach. 9. 9.

Lamen. 3. 59, 60

The Lord will recompence them.

Englands rejoycing, at

God can do all
things.

full, in relieving of them: for now the *Lord* hath brought home those 3 Worthies, that were Bannished so farre, contrary to all our expectations, for few thought to have seen them all here alive againe: but all things are possible unto *God*. And so in setting at liberty other Captives, as silenced Ministers, and others. O this is a great mercy, that *God* out of his free mercy and love to his people should give them such a gracious deliverance from the cruell Tyranny of these Prelates, who ruled and raigned as Lords over them: for the wicked must not thinke alwayes to Tyrannize over them, and thinke the *Lord* will not avenge himselfe of them, no, no, for the *Lord* hath promised to his people the utter ruine of their enemies at last: yea, the *Lord* hath said, *All things shall worke together for the best of them that love him.*

Gods cause shall
bepleaded.

They are paid
with their own
coine.

No Court like
unto the *Parli-*
ament.

No justice at al.

And therefore, though they be persecuted, it is not alwayes, it is but for a time. Now *God* will stand up to plead their own cause, that wheras before his people were called in question, and Imprisoned; now they who called them in question, are called in question themselves, and have the same punishment inflicted on them, as they would have inflicted on others: for our Lordly Bishops, and other inferiour Doctors, that silenced other good men, are now silenc'd themselves, and that according to justice: for there is no Court like unto the *Parliament* for justice and equity; now all things are called in question that were wrong, to be set right. But in my Lords Court at *Lambeth*, there was nothing but injustice. Pursevanting knaves would come and domineere and carry any one, who they would, before

the Prelats downfall.

before his Grace, and make them spend their money, and their time; and in the end know not why, nor for what; they were brought in, and there was no helpe at all for it. But here the *Parliament* is a Court of justice, doing no man wrong, but righting the wronged, and easing the oppressed. And I hope the *Parliament* will take it into consideration, that there may be no Bishops, for the Church may be governed without Bishops: or at least, if there be, to curbe them of their power, that if they doe ordaine Bishops, that they may be preaching Bishops, and not Lording Bishops, not have so much power and Authority as they had, and not so many benefices, when many good men are without: but I leave all to that grave and honourable Assemblies disposing, beseeching *God* to protect, and keep them, and continue them together.

And yet there was no remedy.

No Bishops.
No Bishops.

Bishops that will preach, it may be wilbe accepted of.

But to conclude, here you see *Gods* goodnesse to his people, in curbing the Prelats: and here let all take notice and observe (all that are the enemies of the people of *God*) that it is in vaine to plot or contrive any mischief against the godly, seeing that *God* turnes all to their own ruine, seeing that *God* is their *God*, and they his people, yea they are his Jewels, and therefore he will have a care of them, that none doe hurt them: why then this is for great terror to the wicked, that though they sit up early and late, night and day to invent mischiefe and wickednesse against the people of *God*, yet it is in vain, for all is turned to their ruine: why then Brethren in *Christ*, rejoyce all ye godly, shout for joy, thy King cometh unto thee. O here is matter of great joy,

For Conclusion.

It is in vaine to work mischief against the Church of *God*.

Gods people are his delight: therefore he will have a care of them.

Zach. 9. 9.

Englands rejoycing, at

It is begun al-
ready.

joy, *Christ* is come to bring deliverance, all the enemies of the Church, and his Gospell is falling, the *Prelats* downfall is hastening; and then the Gospell of *Iesus Christ* will flourish more then ever before, and shine more clearer: for so long as the enemies of it rained, it could never shine forth in its cleare light: therefore let it be alwayes all our Prayers to *God*, that he would accomplish the downfall of *Babylon*, to ruine that man of Sin: And Lord confound all the enemies of thy Church and people: let them be confounded and put to shame that seek after my soule: let them be turned back, and brought to confusion that imagine mine hurt. *Psal. 35.4.*

FFX7S.

*Written by an ill willer to the Romish
brood.*

Aut NVNC, Aut NVNQVAM.

N O W

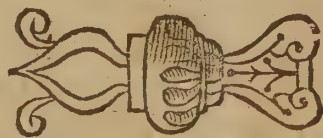
O R

N E V E R.

For if not Now,

I N S L A V E D

E V E R.



LONDON Printed in the Yeare, 1648



Aut Nunc, Aut Nunquam.
 NOW, Or NEVER:
 For if not Now, Inslaved EVER.



Brave *Cavaliers*, looke about you. The *game* goes well on your side. That *Blackcloud* which hung so long over you is now dispersing; your *fortunes* that have been at so long and low Ebb, are now arising. The hopes of those *Malicious Traiteurs*, wholly declining. That *Generall*, whose continued success never to this hower, admitted a retreat, is now defeated. Victorious *Colchester* remains unstormed: *Kent* repents her of her easiness in subduing. *Suffolke* repents her, of her weaknesse in complying. Both these have vow'd to redeem their *fame*, or dye it in *field*.

Look about you, and behold what a gallant *Cavalry*, and in what confluence, and with what confidence they come to meet you; with what compliance they invite you.

Brave *Northerne blades* are advanced to joyne with our *Southerne Spirits* — *Hounslow Heath*, *Dunsmore Heath*, *Black Heath*, all *Heaths*, *Boyes*, are their *rendezvouses*. There they expect you; where *Honour* will receive you: and where a cheerefull calme crowned with the graceful *palms* of an *Honorable peace*, shall period those *Brackish storms* which did formerly incounter you.

A pursuit after loyall fame admits no feare. See what a noble confluence of bravely minded *Citizens* invite you to accompany them! The *City.aire* cannot detaine them: neither the perswasions nor long reasons of seditious *Skippon* decline them. These are steeled with true resolution; for to dye on the *feild-bed* of *Honour*, is a brave conclusion. These see their *Prince* restrained; when *Prerogative Royall* should inlarge his Subjects *Liberty*: deprived of that which he might bestow on others. No *Loyall Subject* can see this with dry eyes. This it was made these brave *Royallists* conclude: and from that conclusion to advance hither: That "the *Princes care*, ought to be the Subjects care. His *service*, their solace. Neither was it upon low *grounds*, whereon they built their foundation: and upon which they are resolv'd to rise or fall. For they have taken a full view of those high and hainous insolencies, insupportable indignities: nay, treacherous plots and *Machinations* not only practised but ready to be

be executed (if a divine hand had not diverted the stroke) upon his Majesties Sacred Person; holding him too unworthy to live, because too worthy of their love. These, besides that *Servile Yoake*, whereto their necks have been too long accustomed, too assiduately acquainted, have invited, nay inforced these undaunted *Cavaliers* to sue for peace with Swords in their hands; with redresse of those crying crimes * *Blood, Oppression, Rapes, Rapine*, with whatsoever the riot of a Licentious State could produce.

The King must be freed, his *Priviledges* restored, *His Forts and Castles* repaired: his *Loyall Subjects* righted, *Satisfaction* rendred: and those *Sage Benchers*, whose cramm'd coffers have recruited these *Mischiefes*, spunged. Such *Asses milke* will be infinitely Sovereign for the consumption of a *Cavaliers* estate. The *Blue-bonnet* means to have a whole share too. *Reformation* is a specious pretence: but the establishment of a Religious *Presbytery*, deserves a bounteous Booty. *Solvat Ecclesia.*

They for whom they row ought to pay their fare. These, who set them on worke: are to pay them their *Wages*. Meane time, wee stand here all ingaged for one quarrell. Stakes are not to be payd till the Course be done. Our cause is too good, to entertaine a distrust: Or to admit a *parley*: A speedy surrender, or no quarter.

O how these *Parliamentary Treaties* have deluded us! Petitions upon Petitions with humble thanks returned to the Petitioners, by the only mouth of their long-lung'd *Speaker*, for their care of the *publique*, being "the very businessse which they had at the same time taken into consideration, and now transmitted to *Darby House* [their Oracular Committee]" and after due debate to be resolved --- *God knowes when*. But now comes *Cyrus* Sword that cuts that *Gordian knot*, and divides all rightly to a third. Those delatory Pleas might have taken place, without admittance of Reply, so long as that brave consistory were Masters of the *Militia* and *Navy*: But those wooden *Horses* no sooner left them, then their *Bilbow blades* were turn'd into *Wooden Swords*. Their late invincible *Atreus*, their formidable *Black-Tom*, who was formerly so impatient of a repulse must sit downe with it, His late *City-guards* skulke for feare to be apprehended, as some of their *Cumrades* lately were, for the *Sacriledg* they had committed.

But phoh! I was nearly stifled with the vapour exhaled from the *Senate-house*. Some aromatick fume or frankincense for those two conclaves of the *consulls*. They are in a pitifull pickle. — Prosperity comes neither from the *East* nor the *West*: nor any coast else for their interest. What Sour faces too, and pittifully complaining *Elegies* make other *Independants* for the *Death* and *Buriall* of their *Anarchiall Protector* C R O M W E L L.

* Nothing may be more truly related more justly aggravated nor ruthfully instanced, for I myself know the place, where since these Civill Warrs were commenced The Master of the House ninety years old, in standing with the strength he had for the defence of his daughters honour, was cruelly Murdered, his Daughters ravished, and to compleat this Barbarisme, his house wholly Plundered

but no remedy, the Subtillest Sconce's Traytor breathing cannot avoyd Mortality.

Go too then Boyes, --- Either NOW or NEVER, for if not Now, in-slaved ever. Omit not the least minute of opportunity: Hearts and hands Prayers and Powers march along with you, to expedite your victory.

Heb. 3.

YET one word to you, Grand-Sedentary Delinquents. You brave State-Rufflers, who are so farre from paying tribute to *Cesar*, as you make *Cæsars* Subjects tributaries to you: you, who have sit farre longer then the State intended, and brooded more Sects, Schismes and Divisions then ever *Parliaments* (without exception of that *mad one*.) to this day ingendred you, who have occasioned more blood shed in one yeare, then all our *Civill Warres* acted in all our Fore-fathers tyme. you, who under pretence of Reforming churches, have chased *Religion* quite out oth^r Church. you who have depopulated towns, ruinated Cities, obstructed traffick, and rubricd your victories with the blood of *Innocents*. you, who have made so many Fathers, their Sons Survivers. you, who have devoured Widdows Houses; and divided the inheritance of Orphans among your Spoylers. you, who have made the City your *Stalking Horse*, to work your own *Interests*. Return, return with tears in your Eyes: reverence in your knees: and zeale in your Hearts. As *Patience* ha's arm'd his *Majesty* amidst all his sufferings: So his *Native goodnesse* will cloath him with a princely compassion towards most of those by whom He has suffered. Mindes nobly qualified, are ever more apt to remit then revenge. Some, indeed, there are, who (to leave *Presidents* to *Posterity*, how high and hainous an Offence it is to spurne at *Majesty*) must be halter'd. For their rebellious insolencies have been of that irremittable nature, as their *impunity* might call the judgment of a State in question. One or two exuberant branches may be well spar'd to save the Vine.

But if these Motives have no influence over you, reflect upon your own present condition. *A House divided cannot stand*: And pray you, tell us, what irreconcilable differences have been raised among your selves? How diametrally opposite have your *Votes* and *Voyces* beene one to another! Members, [like so many lopt branches shred from their Root] expulst the Houses for cleaving to their first principles; yet upon better consideration, call'd back againe, to make the weaker party stronger.

But how can it be expected that there should be Vnity of opinion, when your Principles are groundd in Ignorance? For should we go by the People, and cull out most of the Lower Siedge in both Houses: and Catechise them fully touching their Tenets either of *Presbytery* or *Independency*: we might without breach of Charity, conclude, that their Answer would

would be the very same, which *Candaces* return'd to *Philip*: How should we understand these things without a Teacher? Or as *Peter* answer'd the Damsell: *Wee wot not what you say.* AG. 8. 13.
MAT. 26. 70.

Meane time, these *Nominall* professors receive in them pretended *No-* tions of these undetermined principles. But it is worthy our Observation, to take a Survey of their differences arising from a *calme time*, when no *Enemy* is in view: and at other *occasionall Seasons*, when they heare *considerable Forces* approaching. For then must *HEROD* and *PILAT* be made friends. Difference in opinion must not beget a distance in their affection. They must be call'd home from their *Exile* to the *Capitol*: and with such mutuall Salutes, cheerfull countenances, and gracefull regreets, as the Thanks their ingratiating delivery returns to our *City* and *County*- petitions cannot be more sincerely cordiall. And now so long as it lasts, these two severall Tribes must joyne in their *Tenets*. Enemies abroad make Peace at home.

Points of Faith which were never yet held *Orthodoxall*, may without Scruple of Conscience admit dispensation. Their principles, indeed, were grounded upon a *presbytery*: but the *Catastrophe* closeth with *Independency*: and yet only so long as it appears stronger, and weighs heavier it, *Skale*. [A brave frame of State! A wonderfull Chymick extraction! Where one King is dilated to many: and many strangely elixir'd and resolv'd to none. If ever Sovereignty suffer'd under such *Alchemy*.

I appeale to all grounds of humane pollicy.

But the report of a *Ferraine force* is the only cement that Soulders up this difference of Opinions. The noise of our *Bonny-Blew-Capps* marching over *Tweed*, is of as considerable feare to our *feverish Consuls*, as ever the report of *Cesars* passing over *Rubicon* was to the *Italians*. No more branching.

The *Independent* and *presbyterian* be all one. One Faith, one Forme of Discipline. Their *Loyalty* and *honesty* divided equally to an hair breadth least one should maligne the Other, for being either more *honest* or *loyall* then the other. And to knit the joynts of their fraternall League more strongly, they have lately entertained a *New Creed*: and in such a firme *Juncto*: that neither of them henceforth is to question what the other believes: because the one knowes not well what the other holds.

BUT all this curiously woven artifice of State policy will not doe the feat. Let them run on in their Maze of mischief, canonizing their *rebellious Saints*: Ordering *publick Thanksgiving* for shedding the blood of *Honour*: complying with *City* and *County*, and fooling them with trifling delays, upon some *hopefull designe*: the successe whereof might

might make them more peremptory in sleighting the instancy of a peacefull *Treaty*. But what is all this but to scatter dust in the ayre? This will not serve their turne. Those *Adjacent Counties* by which they were assisted: That *City* by which they were recruited: that *Navy* by which they were secured, have now with clearer *Eyes* discovered their fearefull projects.

The horror of their desperate and unparallel'd practices has awak't them. One drop of blood tane from an *innocent Prince* is of that deep dye, such holding tincture, as it imprints *revenge* in a *Vermillion* colour.

Heavens judgements may sleep, they cannot slip: Nor need we doubt but that these hainouse and hideous plotts have been treacherously contrived seriously intended, eagerly pursued, and if they had not by Gods goodnesse been strangely disclosed, timely prevented, had been as tragically acted. For else, how had *Rolph* been so justly accused: and in opinion so generally impeached?

Would not the display of these inhumanities, quicken the Spirit of the remiss *Royalists*.

* Those impious Speeches, (not to be repeated without horror) lately and confidently uttered by that forlorne Miserable in Coven Garden, might be here inserted; ouliquely protesting, " That he hoped ere long to wash his hands in the Kings Blood. Let this impiety affeth with imunity; being for ought we heare, yet unquestioned, at least unensured

* Again to observe how these Villains are shrowded and Palliated! How some labour to mince them; others to suppress them: all malignantly affected, to excuse them: nay, to asperse the *Accuser*, and vilifie his testimony, whose loyalty induc'd him to disclose it, and who with his blood will be ready to maintaine it.

I could here take occasion of taxing that trifling penny-sheet man, for his egregious folly & foppery (If the *Creature* were worthy my reproof) who being as it seems in fee with *Col. Hammond*, that rigid keeper of his Majesty in the *Ile of Wight*, has published a Tale, without head or taile, under the name of *W. Rishton* intituled HIS MAJESTIES DECLARATION in the ISLE of WIGHT, concerning *Col. Hammond* and *Mr. Osburne*, and touching the preservation of his Royall Person from Poyson &c. Wherein no lesse impudently then weakly, he takes upon him from the Kings mouth to vindicate the innocency of *Hammond*, a man of such matchlesse curtesy and affability as his Majesty could not well imagin his present restraint to be a place of captivity.

A man so conscientious of his wayes: as for him to enter into any such confederacy with *Major Rolph* or any other Assainate in such a bloody and horrid designe, as was suggested, was so farre estranged from his thoughts, as no mans honour could be more injuriously impeached. For the King himselfe holds him for an honest morall man; a faithfull Governour; one who would not betray his trust for an Empire. Besides all this; " *Mr. Troughton* the Governours Chaplaine, told his Majesty, that he hoped

ped there was not any about him, who durst entertaine a thought
 of doing hurt to his person (it being a thing so inhumane and barba-
 rous) the King answered, that he hoped there was not any that was so
 cruelly minded.

Grave Chaplaine, Gracious Governour ! For this Chaplaine, hee's
 known to be a *fugitive fellow*, one, who while he Sojourned it'h *North-*
parts; was commonly known by the name of the *Conventuall-Belman*,
 for his zealous care of assembling, furnishing, and frequenting *private*
conventicles. But afterward, being accused, impeached, and to
 be publiquely punished for scattering *Scandalous libells* with other mis-
 demeanours, he fled for refuge into these parts, where he has attain'd this
 unexpected Honour of being made Chaplaine in ordinary (as no Chaplain
 more ordinary) to this Governour: and where in the judgment of those
 that know him, he can Preach to the full better then he can Read.

Now for this Declaration of his Majesties in vindication of Colonell
Hammon, it is meerly hammar'd from the *Forg* of their accustomed lyes.
Hammon labours to cleere himselfe before his time. These Paper pellets.
 must not doe it. His and Rolphs clearenesse will appeare very shortly; if
Truth the Daughter of Time, may be admitted to come to a Discovery.

Now, What kind of men may these be, who are such *Vindicators*, nay,
 prime *Agitators* in these acts of *High Treason*; but such, whose private
 interests and treacherous ambition have brought a flourishing State to this
 forlorne condition?

Here you shall find one (to render every of them their distinguishing
 notion) a subtile winding Snake, who has got the Art how to insinuate
 into the bosome of any active Member: and to oblige too by pretensive,
 curtesies, which he never means to performe, an Instrument of acquiring
 his owne ends. This Anarchiall *Achitophel*, though his desires close with
 nothing lesse then Monarchicall government, yet his protests imply a de-
 sire of Sovereignty. But his *bosome freinds*, whereof he hath but a very
 few, to whom he dare communicate his thoughts, know right well, that
 he hates nothing more then an absolute Regall power. Thus cunningly he
 appears least, what he is most: Seeming most what he least is.

For such *State-politicians* here grow rare,
 Who be the same they seeme, seeme what they are.

It was said of *Catiline*, that he *spake much and did little*; but con-
 trarywise, *Ingurb* spake little and did much. A barking Dogge is least
 to be feared.

Whereas the *State-Artists*, when they are stillest and calmest, are ever
 most to be suspected.

There

There is an *other* too, who desires much to *second* him; but falls farre short of him. One, who in his time has done *Service* for the *State*: yet found so *remisse* in his *Com-
mands*, as he suffered in the opinion of the *Houses*: and at last, with much a doe, after a long perplexive *Answer* to his *Weighty Charge*, he purchas'd his *in-empnity*, but with as much difficu'ty as (dam him) *Pembrooke* got his delivery.

The *Third* you shall find a *feverish runegade*; One who knowes what *Treason* means; yet is more apt to *conceale* it, then to *plot* it; and less apt to *Act* it, then either to *con-
ceale* it, or *Plot* it.

But *Protestations* upon his *Honour* with other *Subordinate Votes*, have for the present by chance sav'd him; till these neare-approaching *evill dayes* (to use the *new phrase* of the time) otherwise *secure* him: Only know thus much, that he can *pocket* the *injuries* done to his owne *Person*, or *Treason* to his *Prince*, with as much *patience*, and disloyall *Silence*, as any *Flap-fly Lord* of them all.

Shall we step downe to the *Lower Siege*, though the *Subtiter Sophisters* wee shall find there too a *Leash*, amongst oth'r *yelpers* of the same *Litter*, of as active *My medons*, as those cunning *Terriers* were, who gave the first sent.

First you shall meet with, is a *sneeking Sollicitous Rooke*, who for *Lucre* has sold his *Honour*.

One made to *baite* their pretended *Delinquents* when they come to the *Stake*. But had he sayl'd away upon the *Stating* and *closing* of *Hammonds* case, it might have fared better with his *fame*, though worse with his *Fortune*.

For the *Second*, Hee's a *prating pectisogger*; Sometimes a gangling member of the *Exchequer Chamber*; but now his own *fortunes*, by the *Parliaments* pention, have raised this impertinent *Speaker* to the *Seazure* of a vast *Exchequer*. I referre you to *Holland*, where you may find it.

Meane time, his over-hacney'd *Lungs* gaspe for *respiration*, he longs infinitely to have a *progreffe* to the *Bath*; if his *gains* would give him leave. Or rather to the *German-Spaw*; if he might have *Sea-rome*; but he despayres of both.

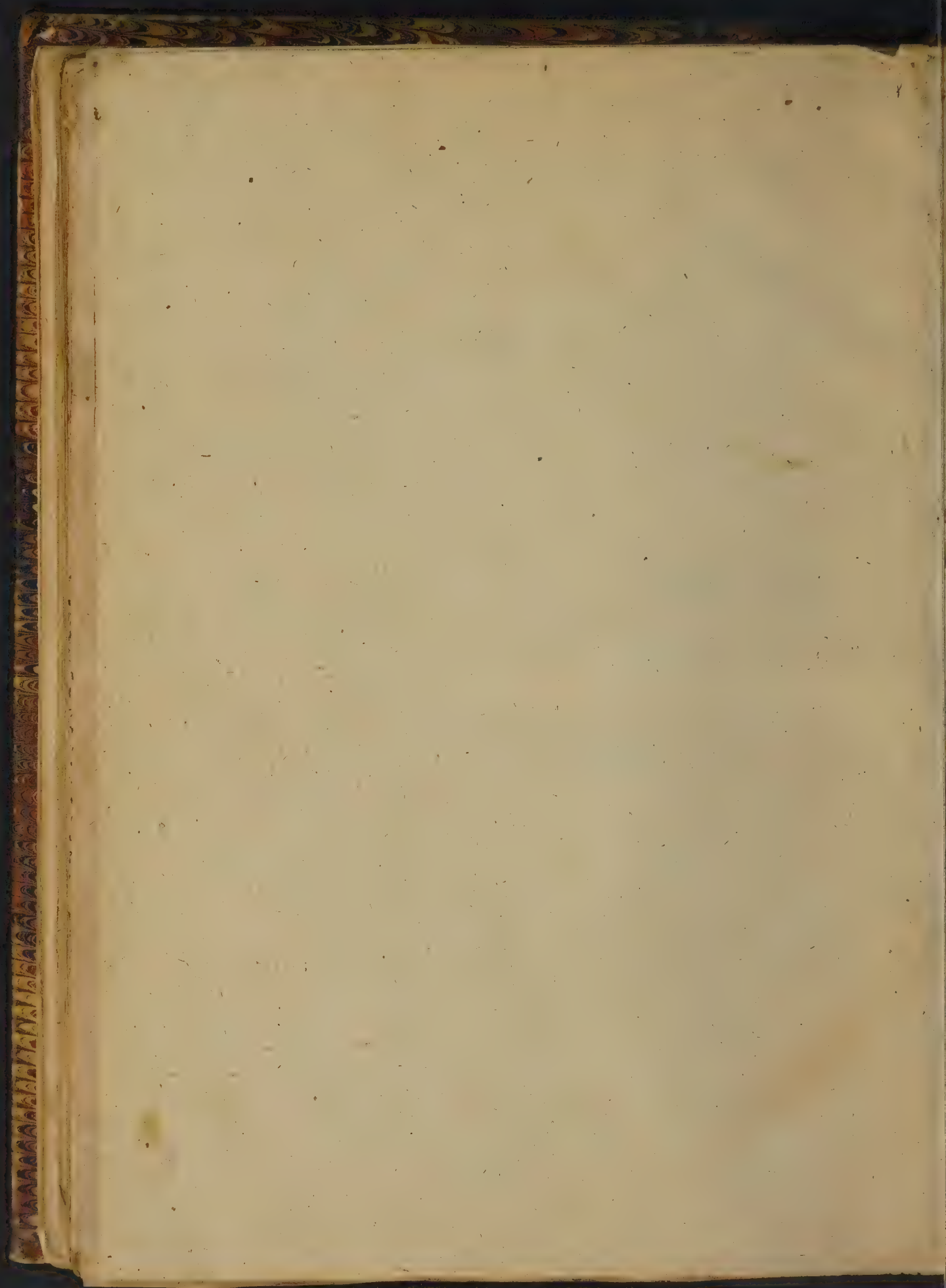
For the *Third* and *Last*, though neither *least* nor *best* of that *laste*; is an *unleane Beast*. One, who ruminates nothing but *sence* who holds all *Idols* *abomination*, but a *wench*. one who affects no *Elocution* so much as *Treason*. He loves *strong lines*, but twisted together with such *Snarles*, as they will go very neare to hang him. The *Martin* is ever said to build her nest in *cleane* places: but this is no such *Cleane Bird*; for his *Mouth* is the very *Common Sewer* of *Treason*, his *breast* the very *Brothell* of all *pollution*.

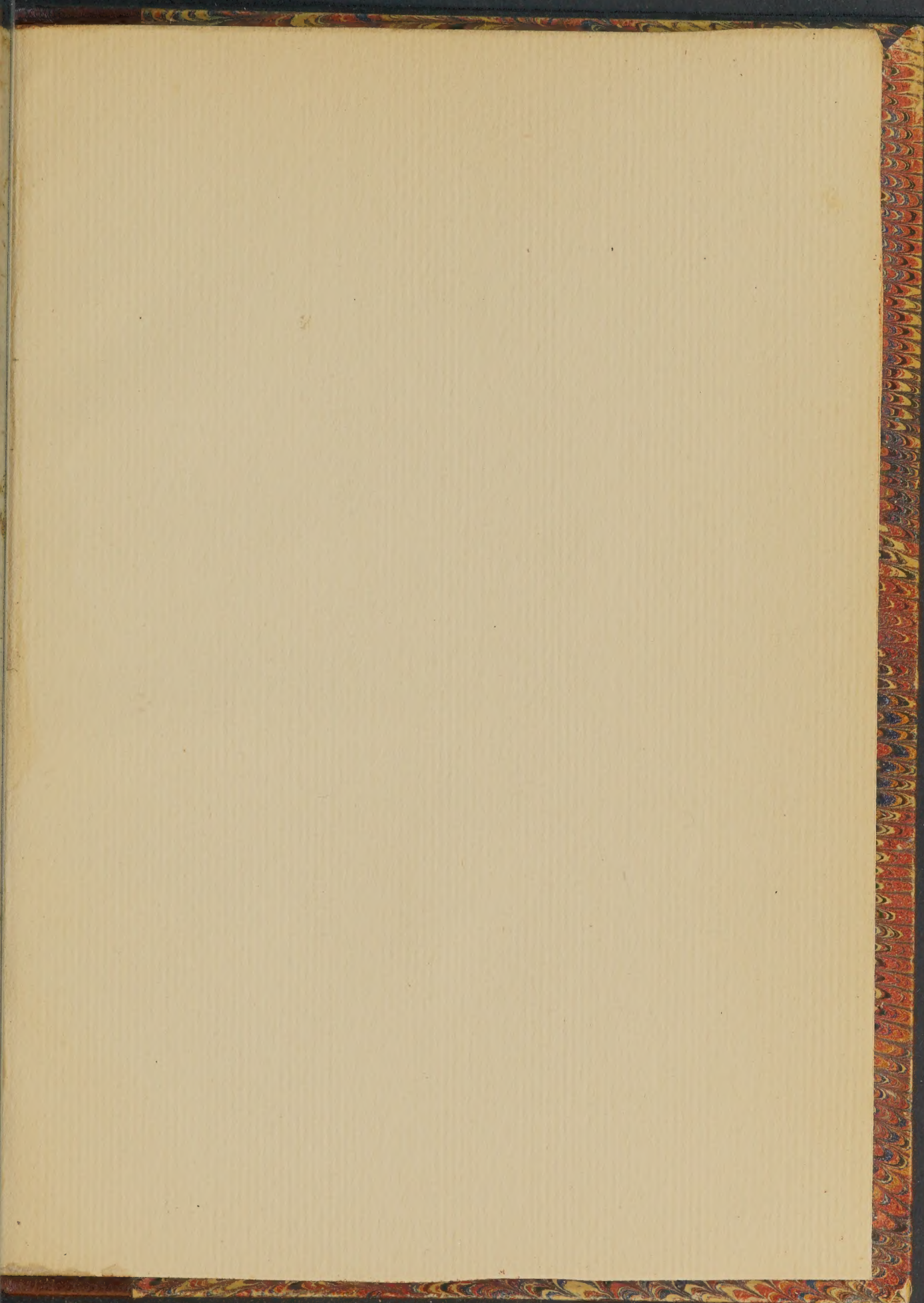
Now, you have heard their *discovery*: and you *blesse* your selves from them, as from *Thunder*: yet most of these are *meal-mouth'd*, and will cry *Peace, Peace*, when their hands are *preparing* for *Battell*.

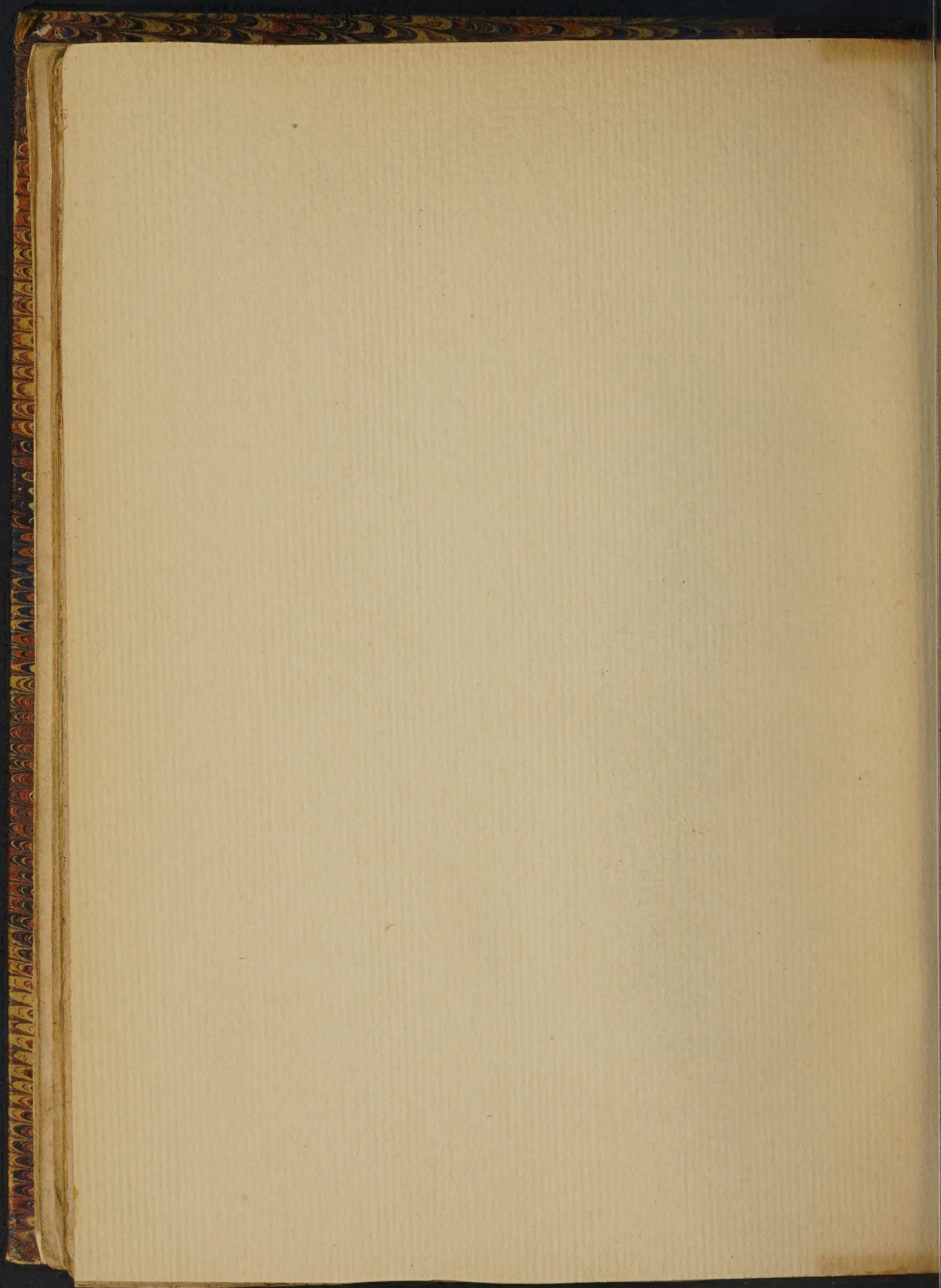
Quicken then your hearts and hands, sharpen your *Swords*: Crush the *Serpent* in the *egges*; nay, these *Scorpions* in their *full growth*; Leave neither *toppe* nor *branch*. *Calidon* *Countrey*, *City*, brave *Cavalry*, all stand for you.

NOW THEN OR NEVER: FOR IF NOT NOW
INSLAVED EVER.

FINIS







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